

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SHEALONDRA BIBLE,	]	
Plaintiff,	]	
	]	
v.	]	CASE NO. 4:21-CV-00804
	]	
DIRECT ENERGY, ET AL,	]	
NRG LLC,	]	
Defendant.	]	

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ORAL AND VIDEOTAPED DEPOSITION OF

SHEALONDA BIBLE

JUNE 16, 2022

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ORAL DEPOSITION OF SHEALONDA BIBLE, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on the 16th of June, 2022, from 10:03 a.m. to 3:41 p.m., before Shawn Kelley, CSR No. 3448 in and for the State of Texas, by machine shorthand and computer-aided transcription, at 5120 Woodway Drive, Suite 10010, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Nell McCallum & Associates Inc. Houston (713) 861-0203

APPEARANCES

For the Plaintiff:

Eddie Hodges, Jr.

Attorney at Law

Kennard Law

5120 Woodway Drive, Suite 10010

Houston, Texas 77056

For the Defendant:

Marlene C. Williams

Attorney at Law

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

500 Dallas Street, Suite 3000

Houston, Texas 77002

Also Present:

Keitha Hanks, Videographer (713) 861-4700

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1           VIDEOGRAPHER: Good morning. Today's date is  
2 Thursday, June 16th, 2022. It is now 10:03, and we are  
3 on the record. Will the court reporter please swear in  
4 the witness?

5                               SHEALONDA BIBLE,  
6 having been first duly sworn, testified as follows:

7                               EXAMINATION BY MS. WILLIAMS

8           Q. Good morning. Will you state your full name for  
9 the record, please?

10          A. Shealonda Caryse Bible.

11          Q. What was your -- what was the middle name?

12          A. Caryse.

13          Q. Caryse. Can you spell your first and --

14          A. Last -- okay.

15          Q. -- middle name, please?

16          A. My name is spelled S-h-e-a-l-o-n-d-a. My middle  
17 name, as well?

18          Q. Yes, please.

19          A. C-a-r-y-s-e Bible, B-i-b-l-e.

20          Q. Ms. Bible, my name is Marlene Williams. I'm an  
21 attorney representing Direct Energy in the lawsuit that  
22 you filed against the company. We've never met before  
23 today, have we?

24          A. No, we have not.

25          Q. Okay. Have you ever given a deposition before?

1 A. No.

2 Q. Okay. So before we get started into some of the  
3 substantive questioning, I'm going to ask you or just go  
4 over some of the background just so that you'll be  
5 familiar with the process today.

6 A. Can I clarify? I've given a deposition as a  
7 company witness.

8 Q. Okay.

9 A. Yeah, but --

10 Q. So you --

11 A. Right. But in a case someone had, and I was the  
12 representative for the company.

13 Q. Okay.

14 A. So I've done that.

15 Q. Okay.

16 A. Okay.

17 Q. How many times have you given a deposition for --  
18 whether as, you know, in your personal capacity or as a  
19 company representative?

20 A. My personal capacity, this will be the first one.

21 Q. Okay.

22 A. Professional capacity, two.

23 Q. Okay. And with what -- that was at -- for an  
24 employer?

25 A. At Shell Oil Company, --

1 Q. Okay.

2 A. -- yes.

3 Q. Was that in connection with an -- employment  
4 lawsuits that were filed against Shell?

5 A. Yes, ma'am.

6 Q. How long ago were those?

7 A. I don't recall, but at least 15 years ago.

8 Q. Okay. So I'll go over just as a reminder -- some  
9 of this, when I mention it, it may be familiar to you  
10 from when you gave a deposition before, but, as you see,  
11 we have a court reporter here who's taking down your  
12 testimony and my questions, and we have a videographer.

13 It's really important -- one of the most  
14 important things for you and me to do today is to not  
15 speak over each other so that the court reporter has an  
16 opportunity to take down my question in full and get  
17 your answer in full. Okay?

18 A. Yes.

19 Q. And it's also important, even though we have a  
20 video recording of your deposition, for you to give oral  
21 answers as opposed to nodding your head or saying uh-huh  
22 or huh-uh, because it doesn't necessarily translate well  
23 in the written transcript. Okay?

24 A. Yes.

25 Q. Okay. You understand you were given an oath

1 just, you know, at the start of your deposition. You  
2 understand that your testimony is under oath and subject  
3 to penalties of perjury if you don't provide truthful  
4 answers, right?

5 A. Yes.

6 Q. You understand that this is the same thing as if  
7 you were in front of a judge or a jury giving testimony?

8 A. Yes.

9 Q. Okay. We -- there are going to be, you know,  
10 times where we might need to take breaks during the  
11 deposition. If you need a break, please let me know. I  
12 will find a spot in, you know, my questioning where we  
13 can stop to accommodate that, but this is not a  
14 marathon. We don't expect you to be sitting here for  
15 hours without taking some breaks.

16 So just let me know, and, obviously, your  
17 attorney can do the same thing. Okay?

18 A. Yes.

19 Q. Are you taking any medications today that might  
20 affect your memory, recollection or ability to testify  
21 today?

22 A. No.

23 Q. Are you on any medication at all?

24 A. Yes.

25 Q. What medication?



1 A. Medication for high blood pressure and allergies.

2 Q. Okay. What's the allergy medication?

3 A. Xyzal.

4 Q. Okay.

5 A. Nose sprays.

6 Q. Okay. But nothing that -- that would make you  
7 drowsy or anything of that nature?

8 A. No.

9 Q. Okay. Did you do anything to prepare for your  
10 deposition today?

11 A. Yes.

12 Q. What did you do?

13 A. Spoke to my attorney and reviewed my documents.

14 Q. When did you speak to your attorney in  
15 preparation for your deposition?

16 A. Yesterday.

17 Q. For how long?

18 A. 10 minutes.

19 Q. And then you -- was that the only time you spoke  
20 with your attorney in preparation for your deposition?

21 A. Yes.

22 Q. Okay. And you said you reviewed your documents?  
23 What documents are you referring to?

24 A. The documents that were produced for discovery.

25 Q. Did you review all of those documents or just

1 certain parts of that document --

2 A. Just certain ones, --

3 Q. -- production?

4 A. -- yes.

5 Q. Okay. Which ones?

6 A. Just the summary document, the -- I don't know  
7 what it's called, but the complaint one. I don't know  
8 what it's called.

9 Q. You reviewed the complaint that you filed against  
10 the company?

11 A. The -- it's a document that has like the summary  
12 of, I guess, yeah, of my complaint.

13 Q. Okay.

14 A. Yeah.

15 Q. And that document basically identified -- I just  
16 want to make sure I -- we're talking about the same  
17 document. So that's a document that would have  
18 identified the facts that you're alleging in this case  
19 and then the claims that you're bringing?

20 A. Yes.

21 Q. Okay. Any other documents you reviewed?

22 A. No.

23 Q. Just that one?

24 A. Uh-huh.

25 Q. Okay. Was there anything you reviewed in the

1 complaint that you noticed was incorrect?

2 A. No.

3 Q. Are there things that are not in the complaint  
4 that should be in the complaint related to your claims  
5 against the company?

6 A. I don't recall. I -- yeah --

7 Q. Did anything jump out at you --

8 A. No.

9 Q. -- about the, you know, factual allegations that  
10 are not in your complaint?

11 A. Nothing jumped out at me, no.

12 Q. Okay. So from your perspective, your complaint  
13 as stated is an accurate reflection of the factual  
14 allegations that you're making against the company?

15 A. Yes.

16 Q. There are no other facts that you can think of  
17 that have not been included in your complaint; is that  
18 right?

19 A. Yes.

20 Q. Okay. And then I'm not asking you, you know, to  
21 decipher the legal issues in the case. That's something  
22 for your lawyer and me to sort out. But in terms of the  
23 claims that were brought, --

24 A. Uh-huh.

25 Q. -- are you familiar with the claims that are

1     asserted in your lawsuit?

2         A.   Yes.

3         Q.   Okay.  What claims, to your recollection, have  
4     you asserted in your lawsuit against Direct Energy?

5         A.   That I was discriminated against because of my  
6     age, my race, as well as suffered retaliation and my  
7     gender.

8         Q.   You have a gender claim in your lawsuit?

9         A.   If it's not in there, I'm -- I -- I'm -- I don't  
10    recall.  I know it's age and race and retaliation.  I'd  
11    have to consult with my attorney if gender's in there.

12        Q.   So whether it's in there or not, are you alleging  
13    that Direct Energy discriminated against you based on  
14    your gender in this lawsuit as a part of this action?

15        A.   I'm think -- I'm thinking.  I don't recall if  
16    it's in there.  If it's in there, then yes.  If not,  
17    then no.

18        Q.   Okay.  Can you think of any instances of gender  
19    discrimination that you claim you suffered during your  
20    employment at Direct Energy?

21        A.   Not at this moment, no.

22        Q.   We're going to get into the substance of your  
23    complaint or your claims a little bit more later, but,  
24    you know, to just sort of set the stage for our  
25    discussion, you said you have an age discrimination

1 claim?

2 A. Yes?

3 Q. And a race discrimination claim?

4 A. Yes.

5 Q. And a retaliation claim?

6 A. Yes.

7 Q. What facts are related to your age discrimination  
8 claim? So what are you claiming Direct Energy did that  
9 constitutes age discrimination?

10 A. Yes. So I was not selected for roles, and  
11 instead younger with less experienced employees were  
12 selected for roles.

13 Q. Which roles were you not selected for that you  
14 claim constitute age discrimination?

15 A. I was not selected for the director role, nor was  
16 I selected for the supervisor role or for a business  
17 partner role.

18 Q. Okay. So your age -- in your age -- for your age  
19 discrimination claim, you're alleging that you were not  
20 selected for the HR director role?

21 A. Yes.

22 Q. And also you're -- for your age discrimination  
23 claim you're alleging that you were not selected for the  
24 HR consultant role?

25 A. Yes.

1 Q. When were you not selected for the HR director  
2 role that forms the basis of your age discrimination  
3 claim?

4 A. It would be August 2019.

5 Q. And when were you not selected for the HR  
6 consultant role that forms the basis of your age  
7 discrimination claim?

8 A. September 2019.

9 Q. Are there any other roles that you claim you were  
10 not selected for that form the basis of your age -- your  
11 age discrimination claim?

12 A. The -- I don't know the -- it was a vice  
13 president of HR role that I was not selected for, and  
14 that was in 2017. Yes.

15 Q. Okay. Your nonselection for the VP of HR role is  
16 one of the roles that form the basis of your age  
17 discrimination claim?

18 A. Yes.

19 Q. Okay. And that was in 2017?

20 A. Yes.

21 Q. Okay. Are there any other roles that you were  
22 not selected for that form the basis of your age  
23 discrimination claim?

24 A. No.

25 Q. Okay. And with respect to your race claim, --

1 A. Yes.

2 Q. -- what roles were you not selected for that form  
3 the basis of your race discrimination claim?

4 A. The vice president of HR role.

5 Q. The one in 2017 that you just mentioned?

6 A. Yes, ma'am.

7 Q. Are there any other roles that you were not  
8 selected for that form the basis of your race  
9 discrimination claim?

10 A. The director of HR role.

11 Q. And when was that?

12 A. 2019, August.

13 Q. That is the same role that forms the basis of  
14 your age discrimination claim?

15 A. Yes.

16 Q. Okay. Besides the VP of HR role and the HR  
17 director role, are there any other roles that form the  
18 basis of your race discrimination claim that you were  
19 not selected for?

20 A. No.

21 Q. And then with respect to your retaliation claim,  
22 what is the basis of your retaliation claim against  
23 Direct Energy?

24 A. Not being selected for the vice president of  
25 human resources role.

1 Q. The one in 2017?

2 A. Yes.

3 Q. How did Direct Energy retaliate against you with  
4 respect to not selecting you for the VP of HR role?

5 A. I filed a complaint against the hiring manager,  
6 who was the SVP of HR, and after that there was  
7 retaliation.

8 Q. Is it your allegation that after you filed a  
9 complaint related to the VP of HR role that you were  
10 retaliated against by the company?

11 A. Yes.

12 Q. How did the company retaliate against you after  
13 you filed the complaint regarding the VP of HR role?

14 A. I was forced to report to the person who was  
15 selected for the role, and, therefore, I was subject to  
16 the retaliation from him and ultimately believe that  
17 that's what led to my -- my departure.

18 Q. So the fact that the company required you to  
19 report to the person who was selected for the VP of HR  
20 role, it's your allegation that that was retaliation for  
21 making the complaint?

22 A. And they -- excuse me, let me --

23 Q. Well, I'm sorry, can you answer my question?

24 A. Yes.

25 Q. I'm sorry.



1       A. Repeat your question, please.

2       Q. The fact that that you were required to report to  
3 the person who was selected for the VP of HR role, it's  
4 your allegation that that was retaliation for filing the  
5 complaint?

6       A. Yes.

7       Q. Okay. And so you were about to, I think, add  
8 something.

9       A. Yes, and I was still in the -- the -- what is it  
10 called, the line, the reporting line, of the SVP who I  
11 filed the complaint against.

12       Q. So the -- excuse me, the fact that you were --  
13 you continued in the reporting line of the SVP that you  
14 filed a complaint against also for -- it's your position  
15 that that constitutes retaliation?

16       A. Yes.

17       Q. Who was the SVP that you filed a complaint  
18 against?

19       A. Melinda Reeves.

20       Q. And who was the person who actually was selected  
21 for the VP of HR role?

22       A. Jeff Fralix.

23       Q. Before you applied for the VP of HR role, did  
24 your position report up to the VP of HR role?

25       A. Yes.

1 Q. Okay. So the company didn't change the reporting  
2 structure when it selected Jeff Fralix for the VP of HR  
3 role, correct?

4 A. No.

5 Q. Okay. But you said that -- you say that the  
6 company forced you to report to him. Did you want --  
7 did you request to not have to report to Jeff Fralix?

8 A. I requested an opportunity to -- to leave the --  
9 to leave the company, because Jeff and Melinda were/are,  
10 I don't know, still really good friends and --

11 Q. So you -- I'm sorry, you requested an opportunity  
12 to leave the company?

13 A. [Witness moving head up and down]

14 Q. Is that a yes?

15 A. Yes. I'm sorry, yes.

16 Q. That's okay.

17 A. Yes.

18 Q. You're doing --

19 A. Yeah.

20 Q. -- fine so far.

21 Okay. So after the complaint, after you filed  
22 the complaint against Melinda Reeves and learned that  
23 Jeff -- well, did you learn that Jeff Fralix was  
24 selected for the VP of HR role before or after you filed  
25 the complaint against Melinda Reeves?

1       A. I don't recall. I believe it was -- I believe I  
2 found out after I filed the complaint.

3       Q. Okay. So you filed the complaint and then  
4 learned that it was Jeff Fralix who was selected. Is  
5 that your best recollection?

6       A. That's my best recollection, right, but it was --  
7 it was, I'd say, well known that he was going to be  
8 selected by her.

9       Q. Well known to whom?

10      A. Applicants. I'm -- yeah, just --

11      Q. By all the applicants?

12      A. I'm -- it was a -- it was an assumption that --  
13 that that was going to happen.

14      Q. By whom? Who assumed?

15      A. I know I did and other applicants did, too.

16      Q. Who were the other applicants who assumed that  
17 Melinda Reeves was going to select Jeff Fralix?

18      A. Martine Savage, Kristin Johnson, that's all I  
19 recall.

20      Q. And what -- why did you assume that Ms. Reeves  
21 going to select Jeff Fralix for the VP of HR role?

22      A. Because they were good friends.

23      Q. And you assumed that before you applied for the  
24 position?

25      A. Yes, so I applied in spite of that assumption,

1 because I wanted a chance to -- to be interviewed and  
2 to -- to demonstrate my skills and capabilities and have  
3 that opportunity to -- to share my story, yes.

4 Q. Okay. And so you applied -- when you applied,  
5 you had -- you already had the assumption that Jeff  
6 Fralix would be selected for the position; is that -- is  
7 that right?

8 A. Yes.

9 Q. Okay. And do you know if Martine Savage assumed  
10 that Jeff Fralix would be selected for the position --

11 A. I don't --

12 Q. -- when she applied?

13 A. I don't know. I mean, I'd have to -- I -- I  
14 don't know.

15 Q. Okay.

16 A. Yeah.

17 Q. And Kristin Johnson, do you know if she assumed  
18 that Jeff Fralix would be selected for the position when  
19 she applied?

20 A. I don't know.

21 Q. How did you learn that Martine Savage and Kristin  
22 Johnson assumed that Jeff Fralix would be selected for  
23 the position?

24 A. So if you ask did I know, I don't know. I just  
25 know through some of our conversations it seemed that

1     that was the assumption, that it was going to be him.

2           Q.   Were these conversations before or after he was  
3     selected for the position?

4           A.   Before.

5           Q.   Okay.   So before he was selected, you recall  
6     having conversations Martine Savage and Kristin Johnson  
7     where the three of you discussed the fact that it was  
8     just assumed that Jeff Fralix would be selected?

9           A.   I know I had conversations with Kristin.   I'm not  
10    sure if I had them with Martine.

11          Q.   Okay.

12          A.   But I -- but there were conversations had, and I  
13    know I had some with Kristin, yes.

14          Q.   Okay.   And those conversations were before he was  
15    actually selected or before you all learned that he had  
16    been selected?

17          A.   Yes.

18          Q.   Okay.   Did you all have conversations after he  
19    was selected about the fact that he was selected?

20          A.   Not that I recall.

21          Q.   And when I say did you all, I'm talking about  
22    Martine Savage and Kristin Johnson?

23          A.   Oh, yeah, that's -- yeah, I -- that was my  
24    assumption that you're asking, yeah, not that I recall.

25          Q.   Okay.   Okay.   And so you said -- you asked -- you

1 requested the opportunity to leave the company when you  
2 learned that Jeff Fralix had been selected?

3 A. I requested to leave after I filed a complaint  
4 and was informed that nothing was going to be done  
5 regarding what had -- regarding my complaint against  
6 Melinda Reeves.

7 Q. Okay. So by the time -- do you remember when you  
8 filed the complaint?

9 A. I don't remember right now. I could refer to my  
10 notes later, but --

11 Q. Okay. This was in 2017, correct?

12 A. That's what I recall.

13 Q. And so chronologically at the time you filed the  
14 complaint, you would have known or had learned already  
15 that Jeff Fralix had been selected and you had not,  
16 correct?

17 A. I don't recall the exact timing of it.

18 Q. But I guess what I'm trying to just drill down is  
19 when you filed the complaint, you knew at that time that  
20 Jeff Fralix had been selected?

21 A. I'm not certain of -- I'm not certain of if it  
22 had been officially made known at the time I filed my  
23 complaint.

24 Q. Whether it's official or unofficial, you had  
25 received some information -- when you filed the

1 complaint you had received some information by that time  
2 indicating that Jeff Fralix was selected for the  
3 position?

4 A. I'm not sure.

5 Q. Why would you have filed a complaint if you  
6 didn't know who had been selected for the position?

7 A. I filed a complaint because of the interview that  
8 I had with or the lack of interview I had with Melinda  
9 Reeves.

10 Q. Okay. So your complaint was about the fact that  
11 you didn't get interviewed?

12 A. No, my complaint was about the racist remark that  
13 she made during our interview.

14 Q. Okay. So your complaint was about the fact that  
15 she made a racist remark during -- during what?

16 A. During a one-on-one meeting.

17 Q. And when did that take place?

18 A. I don't recall the exact day.

19 Q. Okay. And after the investigation was  
20 concluded --

21 A. Yes.

22 Q. -- you made a request -- you requested an  
23 opportunity to leave the company; is that right?

24 A. After I was informed of the lack of -- of -- of  
25 action on behalf of Direct Energy, based on my

1 complaint, I felt like it was going to be hostile,  
2 untenable work environment, and I requested an  
3 opportunity to -- to leave.

4 MS. WILLIAMS: Okay. I'm going to object as  
5 nonresponsive.

6 Q. I forgot to mention that as a part of our  
7 introduction. There are --

8 A. Yes, ma'am.

9 Q. -- going to be times where your lawyer may make  
10 objections, and there are going to be times where I  
11 might make objections. Unless your lawyer instructs you  
12 otherwise, you'll still be required to answer --

13 A. Yes.

14 Q. -- the question. I made an objection to your  
15 answer as nonresponsive. I just -- my question to you  
16 was after you were -- well, let me -- Shawn, can you  
17 read my last question back, because I don't quite  
18 remember it.

19 [The record was read as requested]

20 MS. WILLIAMS:

21 Q. Okay. So that's my question. After the  
22 investigation was concluded, you made a request or you  
23 requested the opportunity to leave the company; is that  
24 right?

25 A. Yes.



1 Q. Okay. Who did you make that request to?

2 A. Jonathan Phillips and Sidney Watts.

3 Q. I'm sorry, Jonathan --

4 A. Phillips.

5 Q. P-h-i-l-l-i-p-s?

6 A. Yes.

7 Q. Okay. And then Sidney Watts?

8 A. Sidney Watts.

9 Q. Who is Jonathan Phillips?

10 A. He was the employee relations director.

11 Q. And when did you request the opportunity to leave  
12 the company with Jonathan Phillips?

13 A. It was when they talked to me about the -- the  
14 results of the investigation.

15 Q. And you said when they. Who's they?

16 A. Sidney.

17 Q. So you had a meeting with -- a meeting where both  
18 Jonathan and Sidney --

19 A. Yes.

20 Q. -- were present?

21 A. Yes.

22 Q. Okay. Did you have any separate meetings with  
23 Jonathan Phillips related to your request to leave the  
24 company?

25 A. Not that -- not that I recall.

1       Q.   Okay.  Did you have any separate meetings with  
2   Sidney Watts related to your request to leave the  
3   company?

4       A.   Not -- not that I recall.

5       Q.   Okay.  And did you meet with Jonathan and Sidney  
6   together only one time related to your request to leave  
7   the company?

8       A.   I believe so, yes.

9       Q.   When was this meeting?  I know it was after the  
10   investigation they were giving you the results.  Do you  
11   recall approximately when that occurred?

12      A.   I don't recall.

13      Q.   Would it have been sometime in 2017?

14      A.   Yes.

15      Q.   And what was their response about your request to  
16   leave the company?

17      A.   That I -- they offered a standard severance  
18   package, I think, if I recall correctly.  Yeah.

19      Q.   So they were receptive to your request to leave  
20   the company?

21      A.   Yes.

22      Q.   Okay.  And in connection with your request to  
23   leave the company in 2017, they offered you a severance  
24   package?

25      A.   Yes.

1       Q.   Okay.  Do you recall the terms of that have  
2 severance package?

3       A.   It would have been the standard one offered at  
4 the time.

5       Q.   Do you know what the standard terms were at the  
6 time?

7       A.   I don't recall, no.

8       Q.   And how did you respond to the offer?

9       A.   I did not take it.

10      Q.   Why did you not take it?

11      A.   Because of my level of experience and the terms,  
12 I felt like it was -- not allow me enough time to find  
13 another role commiserate with my experience and skills  
14 and tenure in my field.

15      Q.   How much time were they offering to give you to  
16 find another position?

17      A.   I don't recall.

18      Q.   Did either one of -- did either Jonathan or  
19 Sidney tell you that you had to leave the company at the  
20 time?

21      A.   No.

22      Q.   I'm sorry?

23      A.   No.

24      Q.   Did anyone tell you that you had to leave the  
25 company at the time?

1       A.   No.

2       Q.   The idea of leaving the company in 2017 was your  
3   idea, correct?

4       A.   Yes, yes.

5       Q.   Okay.  We were -- we're going to come back a  
6   little bit to that, but we were talking about  
7   retaliation, and you said that you were forced to report  
8   to Jeff Fralix and in your mind that was a form of  
9   retaliation; is that right?

10      A.   Yes.

11      Q.   And that you were still required to report to  
12   Melinda Reeves, and that was a form of retaliation,  
13   correct?

14      A.   Yes.

15      Q.   Did you request to be reassigned somewhere else  
16   so that you would not have to report to Jeff Fralix?

17      A.   There wasn't -- the HR department was no small  
18   that it all reported in to Melinda.  Excuse me, ask your  
19   question again.

20      Q.   Did you request to be moved so you would not have  
21   to report to Jeff Fralix?

22      A.   No.

23      Q.   Did you request to be moved so you would not have  
24   to report to -- up to Melinda Reeves?

25      A.   No.

1       Q. And, in fact, to the point that you just made,  
2       the HR department, the structure of the HR department,  
3       your role, regardless of who actually got the VP of HR  
4       position, that role, the role you had, would have  
5       reported up to the VP of HR role, correct?

6       A. Absolutely.

7       Q. And regardless of who was selected for the VP of  
8       HR role, the VP of HR role and your role would have  
9       continued to report up to Melinda Reeves, right?

10      A. Yes.

11      Q. Okay. Is there anything else that you allege  
12      constitutes retaliation?

13      A. Not that I can think of at this time.

14      Q. And you think that you were retaliated against  
15      for filing the complaint against Melinda Reeves,  
16      correct?

17      A. Yes.

18      Q. Is there anything else that you did that you  
19      think was the source of the alleged retaliation? Was it  
20      just your complaint against Melinda Reeves, or were  
21      there other things you did that you think the company  
22      retaliated against you for?

23      A. I think it was just that.

24      Q. Okay. Okay. And the only two forms of  
25      retaliation you're alleging are being forced to report

1 to Jeff Fralix and being forced to report to Melinda  
2 Reeves; is that right?

3 A. Yes.

4 Q. Okay. So with respect to your retaliation claim,  
5 are there any other facts that form the basis of your  
6 retaliation claim that we haven't discussed?

7 A. No.

8 Q. Okay. I want to get a little bit of background  
9 information from you. Are you currently employed?

10 A. I am.

11 Q. Where are you employed?

12 A. Catalyst.

13 Q. What kind of company is Catalyst?

14 A. It's a nonprofit focused on women's leadership.

15 Q. And what role do you have at Catalyst?

16 A. Director of corporate engagement.

17 Q. How long have you been working for Catalyst?

18 A. Since February 7, 2022. That is this year,  
19 right?

20 Q. Yes.

21 A. Okay.

22 Q. Since you started with Catalyst, have you been  
23 working as the director of corporate engagement, or have  
24 you had other roles?

25 A. At Catalyst?

1 Q. Yes.

2 A. No, yeah, that's been my sole role, yes.

3 Q. Okay. And what is your compensation at Catalyst?

4 A. 100,000.

5 Q. Do you have benefits there?

6 A. Yes.

7 Q. Is there a bonus program that you're eligible  
8 for?

9 A. No.

10 Q. What type of benefits do you have at Catalyst?

11 A. Standard, health, welfare, dental.

12 Q. Before Catalyst where were you employed?

13 A. I was unemployed for two and a half years.

14 Q. When did you stop working at Direct Energy?

15 A. September 2019.

16 Q. It's your testimony that you were -- excuse me,  
17 not employed from September 2019 until February 7th,  
18 2022?

19 A. I did -- I had contract assignments, but I was  
20 not -- that was not a full-time employee anywhere.

21 Q. Okay. Well, I'm not asking whether it's full  
22 time, part time, temporary.

23 A. Oh, okay.

24 Q. Any employment that you've had. What employment  
25 of any kind did you have before Catalyst, before you --

1 A. I --

2 Q. -- started at Catalyst?

3 A. Okay. I did contract work for the City of  
4 Houston, and I did contract work for Miss Academy.

5 Q. For what was that?

6 A. Miss, M-i-s-s, Academy. And I had a little  
7 contract work with my own HR consultant practice, but  
8 most of it was unemployment insurance.

9 Q. When did you do contract work for the City of  
10 Houston, what time frame?

11 A. The beginning of 2021, as best I recall. I know  
12 it was early 2021.

13 Q. Until when?

14 A. April. And I also had another contract role with  
15 the -- within the city of Houston -- the county of  
16 Houston. Let me -- I'm sorry, it was Harris County.

17 Q. The contract work that you're talking about now  
18 is with Harris County?

19 A. It's with Harris County, yes, ma'am. My  
20 apologies.

21 Q. There is no City of Houston contract --

22 A. No.

23 Q. -- work? Okay.

24 A. No, my apologies.

25 Q. That's okay.



1       A. Harris County. And I had -- I did two contract  
2 roles with them. One was -- ended in April. I think  
3 the other one ended in June of 2021.

4       Q. Okay. So you had two contract roles with Harris  
5 County, one from early 2021 until about April 2021?

6       A. Uh-huh.

7       Q. Is that right?

8       A. Yes, yes.

9       Q. And then there was a second contract role with  
10 Harris County?

11      A. Yes.

12      Q. And what was the time frame for that one?

13      A. That one probably started around March of 2021,  
14 ended June-ish 2021.

15      Q. So there was an overlap between the two roles?

16      A. A slight overlap, yes.

17      Q. Okay. What kind of contract work did you do for  
18 Harris County?

19      A. Recruiting.

20      Q. And then the contract work you did for Miss  
21 Academy, when was that?

22      A. HR onboarding.

23      Q. I'm sorry, when?

24      A. Oh, I'm sorry.

25      Q. That's okay.

1       A. Oh, no. That would have started 20 -- beginning  
2 of 2020.

3       Q. Until when?

4       A. Present.

5       Q. So you still do contract work for Miss Academy?

6       A. Yes.

7       Q. Okay. Is it ongoing contract work, or does it  
8 last for a particular term and end and then a new  
9 assignment starts, or how does that work?

10      A. It's ad hoc.

11      Q. Okay.

12      A. It's -- it's like onboarding an employee. So  
13 it's, I guess, defined chunks of work.

14      Q. And so starting at the beginning of 2020, Miss  
15 Academy, would they reach out to you when they had an  
16 onboarding assignment, and then you would take that  
17 assignment and complete that particular onboarding  
18 assignment, then you would be done with that assignment?

19      A. Yes.

20      Q. And generally how many assignments have you had  
21 at a single time with Miss Academy?

22      A. At a single time?

23      Q. Yeah.

24      A. Oh, one or two.

25      Q. Okay.

1 A. Yeah.

2 Q. And how many in total have you had?

3 A. I do not recall. I'd have to -- yeah, I --

4 Q. Is it hundreds or --

5 A. No.

6 Q. Okay.

7 A. I'd say somewhere between 10 and 15.

8 Q. Around 15, you said?

9 A. 10 to 15. Yeah.

10 Q. Okay. And it was just onboarding work that  
11 you've done for Miss Academy?

12 A. Policy creation.

13 Q. Anything else with Miss Academy?

14 A. No.

15 Q. And how does the policy creation work go? They  
16 would -- explain to me how you get a policy creation  
17 assignment at Miss Academy.

18 A. It's creating the policies of the -- the  
19 president reached out and says -- it's a new company and  
20 didn't have any HR policies or practices in place. So I  
21 was creating some of the basic ones for them.

22 Q. Are you still doing policy creation work for  
23 them?

24 A. Uh-huh. Yes. Sorry. Yes.

25 Q. That's okay. When was the last assignment you

1 got from Miss Academy?

2 A. Last assignment? Onboarding of someone at one of  
3 their -- at one of the new sites. What is this, June?  
4 May. Mid-May, yeah.

5 Q. And so that would have been while you were  
6 working for Catalyst?

7 A. Yes.

8 Q. Is your position with Catalyst a full-time  
9 position?

10 A. Yes.

11 Q. So how does that work if you work full time for  
12 Catalyst and you get an assignment for Miss Academy, how  
13 do you manage those?

14 A. In my off time. In my -- yeah.

15 Q. So you can onboard during off time, your off time  
16 at Catalyst?

17 A. Yes.

18 Q. Okay. And do you presently continue a plan to  
19 continue to accept assignments from Miss Academy?

20 A. Yes.

21 Q. When was your last assignment with Harris County?  
22 Was that the June 2021?

23 A. Yes.

24 Q. Are you still accepting assignments from Harris  
25 County?

1 A. No.

2 Q. And then you said you did contract work through  
3 your own HR consulting practice?

4 A. Yes.

5 Q. When did you form your own HR consulting  
6 practice?

7 A. December 2019.

8 Q. And how -- do you still have your HR consulting  
9 practice?

10 A. Yes.

11 Q. What kind of work do you do in your HR consulting  
12 practice? Obviously HR, but can you give me an overview  
13 of what that entails?

14 A. It could be policy creation, team buildings,  
15 onboarding, leadership consulting, the full gamut, I  
16 mean, the full spectrum of HR. So whatever is in there.

17 Q. Do you do did HR investigations through your  
18 consulting practice?

19 A. I have not.

20 Q. Is that something you offer, though?

21 A. I could, yes.

22 Q. The work that you do for Miss Academy, --

23 A. Uh-huh.

24 Q. -- is that through your HR consulting practice?

25 A. That's -- yes, that's how I am compensated

1 through there, yes.

2 Q. Okay. And then the work you did for Harris  
3 County, was that also through your HR consulting  
4 practice?

5 A. No.

6 Q. That was separate in your individual capacity?

7 A. Ask the question again.

8 Q. For the consulting work you did for -- for Harris  
9 County, --

10 A. Right.

11 Q. -- was that through your HR consulting practice?

12 A. No.

13 Q. Okay. So that was just in your individual  
14 capacity?

15 A. That was through a temporary agency via Harris  
16 County.

17 Q. What temp agency?

18 A. One was called A-1 Personnel, and the other one  
19 was called Evans.

20 Q. When -- when did you sign up with A-1 Personnel  
21 for temp work?

22 A. January 2021. Excuse me. Excuse me.

23 Q. January of when? I'm sorry.

24 A. 2021.

25 Q. And when did you sign up with Evans?

1       A.   It would have been April, March, April 2021.

2       Q.   Are you still signed up with A-1 Personnel for  
3 work?

4       A.   No.

5       Q.   Are you still signed up with Evans for work?

6       A.   No.

7       Q.   Are you signed up with any temp agencies  
8 currently for work?

9       A.   No.

10      Q.   Are those the only two temp agencies you ever  
11 signed up for work since your departure from Direct  
12 Energy?

13      A.   Yes.

14      Q.   What kind of companies did you do HR consulting  
15 work for through your HR consultant practice?  So I know  
16 you said Miss Academy --

17      A.   Uh-huh.

18      Q.   -- went through your consulting practice.

19      A.   Yes.

20      Q.   What other companies did you work for through  
21 your HR consulting practice?

22      A.   The name of the company or the type of company?

23      Q.   Let's go with the name, thank you.

24      A.   Okay.

25      Q.   Yeah, I made that unclear.  Let's do the name.

1 A. Okay.

2 Q. Thank you.

3 A. Collins Aerospace. That was one.

4 Q. Okay. Any others?

5 A. No.

6 Q. Okay. So Miss Academy and Collins Aerospace are  
7 the only two companies that you have done work for  
8 through your HR consulting practice?

9 A. Yes.

10 Q. What kind of work did you do for Collins  
11 Aerospace?

12 A. It was a team building workshop.

13 Q. Was it just one assignment?

14 A. Yes.

15 Q. How much did you earn for the contract work that  
16 you did with Harris County?

17 A. I don't recall, but I can get it for you.

18 Q. Okay. Do you have a ballpark idea?

19 A. I -- I don't, no.

20 Q. Okay.

21 A. Yeah.

22 Q. What about for Miss Academy, how much do you earn  
23 for the work you've done for Miss Academy?

24 A. I don't exactly recall. I want -- it's like  
25 under 2,000.



1 Q. In total?

2 A. I believe so, yes.

3 Q. How much money have you earned or has the HR  
4 consultant practice that you have earned through  
5 assignments that you had?

6 A. Between eight and ten thousand.

7 Q. And that would include the Miss Academy work,  
8 correct?

9 A. Yes.

10 Q. And it would also include the Collins Aerospace  
11 work, correct?

12 A. Yes.

13 Q. Does Catalyst -- does your current employer know  
14 that you're here today giving a deposition?

15 A. No.

16 Q. Do they know about your lawsuit against Direct  
17 Energy?

18 A. No.

19 Q. Have you ever made a complaint against any prior  
20 employer?

21 A. No.

22 Q. Okay. When did you start, excuse me, with Direct  
23 Energy?

24 A. October 2015.

25 Q. And you left September 2019, correct?

1       A.   Yes.

2       Q.   Okay.  We're going to kind of jump back before  
3 Direct Energy.

4       A.   Okay.

5       Q.   Let's talk about your educational background.  Do  
6 you have a college degree?

7       A.   I do.

8       Q.   What's your degree?

9       A.   I have a bachelors degree in business  
10 administration from the University of Tennessee in  
11 Knoxville.  I have a masters degree -- masters degree in  
12 human resources management from Texas A&M University  
13 College Station.

14      Q.   From, I'm sorry, Texas A&M?

15      A.   Texas A&M University in College Station.

16      Q.   When did you get your bachelors degree?

17      A.   I received my bachelors degree in May of 1993.

18      Q.   And when did you get your masters?

19      A.   In December of 1994.

20      Q.   Between the time that you got your bachelors  
21 degree and your masters degree, did you work?

22      A.   Oh, wait, hold one.

23      Q.   I know that's a while ago.

24      A.   I know.  And -- did I work in that summer?

25      Q.   It would have been for about a year, a little bit

1 more than a year?

2 A. No, it would have been -- no, no, it would  
3 have -- it would have been a summer. I graduated in May  
4 of 1993. I started in August of 1993 in my masters  
5 degree.

6 Q. Oh, okay. I'm sorry.

7 A. So it would have been a summer, like three  
8 months.

9 Q. Okay. When did you get your -- complete your  
10 masters?

11 A. I completed my masters in December of 1994.

12 Q. Okay. And that's what I'm asking. I guess  
13 between the time you got your bachelors degree and you  
14 got your masters, were you working?

15 A. Yes.

16 Q. Okay. Okay.

17 A. That's so long ago. Yes.

18 Q. Yeah, I know.

19 A. I'm like wait a minute. Okay. Yes. So I  
20 received a fellowship, for one, to -- from Texas A&M to  
21 pursue my masters, but I was also a substitute teacher  
22 in the Cy-Fair ISD school district on days when I was  
23 not at school.

24 Q. Okay. So during that period from about May 1993  
25 to December 1994 you had a fellowship from Texas A&M,

1 and you -- you were doing substitution -- substitute  
2 teaching work?

3 A. Yes.

4 Q. Okay. After you got your masters, what did you  
5 do?

6 A. January of 2000 -- wait a minute. January 1995,  
7 I started with Shell Oil Company.

8 Q. Okay.

9 A. And, excuse me, I need some water.

10 Q. Yes, of course.

11 A. Okay.

12 Q. Yes.

13 I'll ask you some questions about Shell in just a  
14 minute, but do you have any other degrees besides your  
15 bachelors and your masters degree?

16 A. No.

17 Q. Okay. Do you have any other -- any certificates  
18 or --

19 A. I do.

20 Q. Okay. What are -- what are those?

21 A. I'm a Certified Senior Professional Human  
22 Resources.

23 Q. I'm sorry?

24 A. Certified Senior Professional Human Resources.

25 Q. And who is that certification from?

1       A. Through the HR Certification Institute, HRCI.  
2       It's a certification agency for HR professionals.

3       Q. Okay. And when did you get that certification?

4       A. 1996? '6? Wait. 1999.

5       Q. Okay.

6       A. '98, '99. It's -- I've had it a while.

7       Q. Okay. Is it something that you have to renew?

8       A. Yes.

9       Q. Okay. On what -- on what schedule do you have to  
10      renew it, every year or other term?

11      A. I think it was like every five years.

12      Q. Okay. And you are current and still certified --

13      A. Yes.

14      Q. -- through HRCI?

15      A. Yes.

16      Q. And any other certifications you hold?

17      A. No.

18      Q. Okay. When you started with Shell Oil, what  
19      position did you have?

20      A. HR analyst.

21      Q. And how long did you work for Shell Oil?

22      A. 20 years.

23      Q. In the 20-year period that you were at Shell Oil,  
24      did you have other positions besides the HR analyst  
25      position?

1       A.   Yes.

2       Q.   Okay.  Can you list for me the positions you had?  
3       So we've got HR analyst.  What position did you have  
4       after that?

5       A.   I would have had an HR -- what did we call it --  
6       an HR business partner role.  I would have had HR  
7       manager roles.  Would you like me to like go  
8       chronologically through them?

9       Q.   If you could, yes.

10      A.   Okay.

11      Q.   Are there -- so you started off as an HR analyst,  
12      yes?

13      A.   Yes.  And then I became an HR representative.  
14      I'm trying to think of like the exact titles that they  
15      called at the time.

16      Q.   That's fine.

17      A.   It just -- so I'm just -- just more progression.  
18      So HR analyst, HR representative, and I just progressed  
19      through the HR ranks there, left Deer Park, went to  
20      another role where I was the HR manager for -- oh, my  
21      gosh, I think that was HR manager for the employee -- I  
22      don't recall exact title, but I became a manager that  
23      oversaw all of the onboarding for the company.

24               Then I left that role, and I was an HR manager  
25      for the policies and processes group for the pipeline

1 division. And then I left that role, and I was the --  
2 an HR partner for -- within the IT division.

3 Then I left that role and was an HR manager of  
4 policies and payroll at Deer Park again. And then I  
5 left Deer Park and where did I go? And then I -- then I  
6 went into an HR role in policy, like a senior HR policy  
7 advisor role and then left that and went into a learning  
8 development advisor, senior learning development advisor  
9 role, and that was the last role I had at Shell.

10 Q. So your last role was the learning development  
11 advisor?

12 A. I believe it's -- I believe it was like a senior  
13 learning and development advisor role.

14 Q. Okay. Were there times that you went from an HR  
15 manager role back to an HR partner role?

16 A. Yes.

17 Q. Okay. So, for example, you mentioned at one  
18 point you were an HR manager over policies and process  
19 for pipeline, but then after that you were an HR partner  
20 for the IT division?

21 A. Yes.

22 Q. What was -- and is -- was -- during your tenure  
23 at Shell was a manager role more senior to an HR partner  
24 role?

25 A. Yes.

1       Q. So what was -- explain sort of the -- the  
2       circumstances where you went from an HR manager to an HR  
3       partner at Shell.

4       A. The -- there was always -- there was a plan with  
5       the type of experiences you needed to have to continue  
6       to progress. And so oftentimes you would have  
7       individual contributor roles, or you would have  
8       manager/people leader roles, and it was about the  
9       experience different business units. So they were all  
10      with progressing responsibility and increasing  
11      expectations. So it wasn't unusual.

12      Q. Did any of -- did you -- during your time at  
13      Shell, were there any reorganizations that impacted your  
14      role as -- in HR there?

15      A. By impacted --

16      Q. Where your role was changed, eliminated or  
17      otherwise affected in any way.

18      A. Shell had lots of reorganizations. I'm sure that  
19      sometimes my role was redefined, but I wasn't personally  
20      impacted by any of them until I left in December 2014.

21      Q. What happened in December 2014?

22      A. They had a reorganization, and my role was  
23      eliminated.

24      Q. Did you get any type of severance --

25      A. Yes.



1 Q. -- from Shell?

2 A. Yes.

3 Q. Did you have any complaints about the fact that  
4 your role was eliminated at Shell?

5 A. No.

6 Q. Did you have any complaints at all related to  
7 your employment at Shell during the time you were there?

8 A. No.

9 Q. Okay. And then after Shell where did you work?

10 A. I was unemployed for 10 months.

11 Q. And then what did you do after?

12 A. I started at Direct Energy in October 2015.

13 Q. We've been going for, I guess, about an hour. Do  
14 you want to take a quick break?

15 A. I would love to take a quick brick.

16 MS. WILLIAMS: Okay. Let's do that.

17 THE WITNESS: Okay.

18 VIDEOGRAPHER: It is 10:59. We are off the  
19 record.

20 [Recess]

21 VIDEOGRAPHER: It is 11:09. We are back on the  
22 record.

23 MS. WILLIAMS:

24 Q. Ms. Bible, since our break is there anything you  
25 want to add to the testimony that you've already

1 provided?

2 A. No.

3 Q. Okay. Do you hold any professional licenses? I  
4 know we talked about certifications, but do you have any  
5 professional licenses?

6 A. No.

7 Q. Are you currently married?

8 A. No.

9 Q. Have you been married before?

10 A. Yes.

11 Q. To whom?

12 A. I was married to Craig Baham, and I was married  
13 to Harlan Davis.

14 Q. Harlan Davis?

15 A. H-a-r-l-a-n Davis.

16 Q. Okay. When were you married to Craig Baham?

17 A. I was going to say it was so long ago. Hold on.  
18 Wait a minute.

19 Q. Very sorry.

20 A. Hold on. Okay. Wait a minute. I married him  
21 March 3rd, 1996. Yes. And we were divorced, ooh wee,  
22 oh, gosh, 2003, March, April, May, June.

23 Q. That's fine.

24 A. Okay.

25 Q. And what about --

1 A. It's been almost 20 years.

2 Q. Okay.

3 A. Okay.

4 Q. And Harlan Davis, when were you married to Harlan  
5 Davis?

6 A. Okay. June 1993, divorced June 1994.

7 Q. Do you have any children?

8 A. I do.

9 Q. How many children?

10 A. Two.

11 Q. And what are their names?

12 A. Guy Baham and Madison Baham.

13 Q. How old is Guy?

14 A. 23.

15 Q. 23?

16 A. Yes.

17 Q. And how old is Madison?

18 A. 20.

19 Q. Do Guy and -- does Guy still live with you?

20 A. No.

21 Q. Does Madison still live with you?

22 A. Yes.

23 Q. Is Madison in school?

24 A. Yes.

25 Q. Where is she in school?

1       A.   The University of Texas San Antonio.

2       Q.   Other than Madison, is there anyone else who  
3   currently lives with you?

4       A.   No.

5       Q.   Does Madison rely on you for all of her financial  
6   support?

7       A.   Yes, she does.

8       Q.   I have a 22 year old, a 20 -- 19 year old, 17.  I  
9   understand.

10      A.   Yes.  Yes, she does.

11      Q.   Have you ever served in the military?

12      A.   No.

13      Q.   Have you ever been convicted of a crime?

14      A.   No.

15      Q.   Have you ever been arrested?

16      A.   No.

17      Q.   Okay.  Just background stuff we ask.  I'm sorry.  
18   Okay.  When you -- your H -- your HR consultancy  
19   business, --

20      A.   Yes.

21      Q.   -- do you have -- is there a name, --

22      A.   Yes.

23      Q.   -- a business name for that business?

24      A.   Yes.

25      Q.   What is it?

1 A. Blue Topaz Consulting.

2 Q. Blue Topaz Consulting?

3 A. Yes, ma'am, LLC.

4 Q. And are you the only member?

5 A. Yes.

6 Q. You've had Blue Topaz Consulting in -- has been  
7 operating -- Blue Topaz Consulting has been operating  
8 continuously since December -- I forgot the date.

9 A. 2019.

10 Q. 2019; is that right?

11 A. Yes.

12 Q. Okay. Has it been profitable?

13 A. No.

14 Q. Have you personally collected any income or fees  
15 from Blue Topaz Consulting?

16 A. Ask the question --

17 Q. Have you collected any fees or income personally  
18 from Blue --

19 A. Okay.

20 Q. -- Topaz Consulting?

21 A. Yes.

22 Q. Okay. How much?

23 A. Between eight and ten thousand.

24 Q. Okay. Has -- does Blue Topaz Consulting have any  
25 employees?

1 A. No.

2 Q. Has it ever had any employees?

3 A. No.

4 Q. Has Blue Topaz Consulting ever received  
5 compensation for services other than cash payments, so  
6 in kind payments of any -- of any kind? Do you --

7 A. No.

8 Q. Okay.

9 A. No.

10 Q. It's all been cash payments?

11 A. Well, yes.

12 Q. Yeah.

13 A. Checks.

14 Q. Checks?

15 A. Okay.

16 Q. Cash? Yeah.

17 A. Yeah. I was like yeah.

18 Q. Is there a bank account for Blue Topaz  
19 Consulting?

20 A. Yes.

21 Q. Okay. Through what bank?

22 A. Bank of America.

23 Q. And that bank account is still active?

24 A. Yes.

25 Q. Okay. Have you ever -- I think we touched on

1     this a little. I want to make sure the record is clear.  
2     Have you ever filed any kind of grievances, complaints  
3     or made any allegations against any employers that  
4     you've had other than Direct Energy?

5         A. No.

6         Q. Your professional life since your masters degree,  
7     have all of your -- has all of your work been in the HR  
8     space?

9         A. Yes.

10        Q. And your work with Catalyst is also currently in  
11     the HR space?

12        A. No.

13        Q. What is it?

14        A. It's -- how would you describe it? It's -- it's  
15     called corporate engagement, but it's, excuse me, a  
16     relationship manager with supporters of Catalyst.

17        Q. Explain that to the jury.

18        A. Okay. So a relationship manager is I have a  
19     portfolio of 50 supporters, and I maintain the  
20     relationship with their respective focal point and  
21     ensuring that they are getting the full benefits and use  
22     of their support of Catalyst.

23        Q. And you said Catalyst is a nonprofit doing  
24     women's leadership work?

25        A. Yes, women's leadership work.

1       Q. What specifically do -- does Catalyst do with  
2       respect to women's leadership?

3       A. Catalyst has researched into the barriers to  
4       advancement, inclusion for women and including the  
5       intersectionality of women in the workplace and through  
6       that research generate solutions reports, learning  
7       opportunities. So, for example, the research into  
8       barriers to advancement for women would then become  
9       maybe a workshop that a supporter could -- could  
10      utilize.

11      Q. And the supporters, are these donors, or are  
12      these actually women who come to Catalyst for services?

13      A. These are companies.

14      Q. Oh, companies. Okay. So companies hire Catalyst  
15      for research?

16      A. No. No.

17      Q. Okay.

18      A. So companies pledge support to Catalyst, and  
19      in -- and as a part of that pledge, they have access to  
20      all of Catalyst resources and research, but it's not an  
21      HR role.

22      Q. And then there are women who come to Catalyst for  
23      services related to, you know, gaining leadership  
24      skills?

25      A. No, it's strictly companies.



1 Q. Strictly companies.

2 A. Yes.

3 Q. Okay. And what kind of companies are supporters  
4 of Catalyst?

5 A. All kinds. So --

6 Q. Can you name a few or --

7 A. Baker Hughes, McDermott, Michels Corporation,  
8 Epsilon, Experian, --

9 Q. Okay.

10 A. -- Shell Oil Company, Motiva.

11 Q. Okay. When you applied for the position at  
12 Catalyst -- I'm sorry, what is the name of the position  
13 again?

14 A. Director of corporate engagement.

15 Q. When you -- is that the position you applied for  
16 at --

17 A. Yes.

18 Q. -- Catalyst?

19 A. Yes.

20 Q. Did you know that it was not an HR role --

21 A. Yes.

22 Q. -- at the time you applied?

23 What attracted you to that position?

24 A. What attracted me to the position was a -- it was  
25 a job offer after two and a half months -- two and a

1 half years, excuse me, of unemployment, and it was  
2 the -- the DENI, excuse me, the diversity, equity and  
3 inclusion work that they do and the mission of the  
4 company.

5 Q. Do you have plans to cross over back into HR  
6 work?

7 A. No, not at this time.

8 Q. Are you seeking -- actively looking for other  
9 work at this time?

10 A. I am.

11 Q. Where?

12 A. Wherever I can put an application in, but I am  
13 looking right now at HarperCollins.

14 Q. Are these HR roles that you're looking for?

15 A. Yes.

16 Q. And what is the role at HarperCollins that you're  
17 looking at?

18 A. Vice president of human resources.

19 Q. Where is that located?

20 A. Would be remote.

21 Q. Do you have an application in?

22 A. No.

23 Q. Are you planning to put an application in?

24 A. If I need to, yeah, yeah.

25 Q. Explain that to me, if you need to. I'm sorry.

1       A. Oh, I haven't been asked to.

2       Q. So you said but you're -- you're looking at the  
3 role?

4       A. Right, so I've -- I've been contacted about a  
5 possible role there.

6       Q. Contacted by the company?

7       A. Yes.

8       Q. And so what are you waiting for in order to put  
9 in an application?

10      A. Nothing in particular. I just -- I'm -- I -- I  
11 haven't been asked to apply for the role.

12      Q. Is the role actually open at this point?

13      A. I think it is, yes.

14      Q. Is there anything preventing you from applying?

15      A. No.

16      Q. So why haven't you applied, is what I'm trying to  
17 understand.

18      A. No particular reason, just sometimes when you're  
19 approached you start talking to folks, and eventually  
20 you get to the application process.

21      Q. Okay. How long has the application been open, do  
22 you know?

23      A. I don't know.

24      Q. Have you been monitoring it with plans to submit  
25 an application?

1 A. No.

2 Q. Any other positions that you're looking at for HR  
3 roles other than HarperCollins?

4 A. No.

5 Q. Are you actively looking still, though, for HR  
6 roles?

7 A. No. I just started Catalyst in February. So I'm  
8 still coming up to speed with that.

9 Q. Okay. Okay. I want to talk -- how did you learn  
10 about the position at Direct Energy that you applied for  
11 and got in October 2015?

12 A. A former Shell colleague contacted me and told me  
13 that there was a role there and connected me with the  
14 hiring manager.

15 Q. Who was this former colleague?

16 A. Oh, Nicky is her first name.

17 Q. Was she working at Direct Energy at the time?

18 A. A former Shell colleague.

19 Q. Right.

20 A. No.

21 Q. Okay. So she was at Shell, but she heard about  
22 something at Direct Energy?

23 A. Because -- yeah, her --

24 Q. Okay.

25 A. Her friend is Kristin Johnson.

1 Q. Okay.

2 A. Yeah.

3 Q. So Nicky knows Kristin Johnson?

4 A. Yes.

5 Q. And tell me about the -- the process for applying  
6 to the -- what was the position you applied for at  
7 Direct Energy in 2015?

8 A. HR business partner.

9 Q. And what was your understanding of what that role  
10 was?

11 A. HR generalist, having a client group, providing  
12 advice and counsel to assigned clients.

13 Q. And did you have to enter -- did you submit an  
14 application for the position?

15 A. Yes.

16 Q. And did you interview for the role?

17 A. Yes.

18 Q. Do you recall who you interviewed with?

19 A. I interviewed with Kristin Johnson, Zandra  
20 Koeppel and Jeff Fralix.

21 Q. Did you know Kristin Johnson at the time you  
22 interviewed?

23 A. No.

24 Q. Did you know Zandra Koeppel at the time you  
25 interviewed?

1 A. No.

2 Q. Did you know Jeff Fralix at the time you  
3 interviewed?

4 A. No.

5 Q. Did you only have one interview with the three of  
6 them together?

7 A. No.

8 Q. Were they three separate interviews?

9 A. They were three separate interviews.

10 Q. Okay.

11 A. And, actually, I need to correct something. I  
12 was supposed to interview with Zandra. She couldn't  
13 make it. So I interviewed with Jeff instead.

14 Q. I see.

15 A. Yes. Okay.

16 Q. So you had two interviews, one with Kristin  
17 Johnson, right?

18 A. Yes.

19 Q. And then one with Jeff Fralix?

20 A. Yes.

21 Q. Who filled in for Zandra Koeppel?

22 A. Yes.

23 Q. Okay. Other than those two interviews, did you  
24 interview with anyone else for the HR business partner  
25 position?

1       A. Not that I recall. Not that I recall.

2       Q. Did you know before you started this position  
3 what client group you would be serving?

4       A. No.

5       Q. How was your interview with Kristin Johnson? I  
6 mean, obviously, you got the position, but generally how  
7 did that -- that interview go from your perspective?

8       A. I thought it went well. She clearly outlined  
9 what the role would entail and the types of challenges  
10 the role might present.

11      Q. Okay. And then how did your interview with Jeff  
12 Fralix go, from your perspective?

13      A. It was less structured. It was apparent he had  
14 not prepared, and it was surface type of interview.

15      Q. Okay. What was the -- did you -- at Direct  
16 Energy were positions assigned job grade classifications  
17 or job grade levels?

18      A. Yes.

19      Q. Did you know at the time you interviewed what job  
20 grade level the HR VP role was?

21      A. I don't recall if I knew at the time.

22      Q. Did you come to know?

23      A. Yes.

24      Q. Okay. And what was the level or job grade  
25 classification for the HR VP role?

1       A.   Level 6.

2       Q.   Did you know what level -- well, what was Kristin  
3 Johnson's position at the time she interviewed you, if  
4 you recall?

5       A.   I don't recall her direct -- her exact title, but  
6 she was my supervisor.

7       Q.   Okay.  So you would have come into the role  
8 reporting to Kristin Johnson?

9       A.   Yes.

10      Q.   And do you recall what Jeff Fralix' role was when  
11 you interviewed for the HR VP role?

12      A.   I believe he was in a talent acquisition role.

13      Q.   Do you know what his job grade classification was  
14 at the time?

15      A.   I don't recall.

16      Q.   Do you know what Kristin Johnson's job grade  
17 classification was at the time?

18      A.   A 5.

19      Q.   Was a -- is an L5 in Direct Energy structure a  
20 more senior position than an L6 position?

21      A.   Yes.

22      Q.   So they have sort of an inverse classification,  
23 where the lower the number the higher the ranking?

24      A.   Yes.

25      Q.   Okay.  What happened after you interviewed with



1 Kristin and Jeff, what happened next in the process for  
2 you?

3 A. I received a job offer from Kristin.

4 Q. Was that -- was that orally or in writing or --

5 A. Orally.

6 Q. Okay. She called you?

7 A. I don't know if -- actually, I don't know if she  
8 called me or the recruiter called me, and I don't  
9 know -- I can't recall who the recruiter was at the  
10 time.

11 Q. Okay.

12 A. Yeah.

13 Q. Did -- did Direct Energy have internal  
14 recruiters?

15 A. Yes.

16 Q. Okay. And so it would have been either Kristin  
17 or an internal Direct Energy recruiter who called you?

18 A. Yes.

19 Q. And do you recall what they told you about the  
20 offer?

21 A. I was offered the role, and the salary would be,  
22 I believe, 150,000 with 10 percent bonus, benefits, et  
23 cetera.

24 Q. Did you -- and you knew that it would be  
25 reporting to Kristin Johnson at that time?

1 A. Yes.

2 Q. Okay. Did you ultimately receive a written job  
3 offer letter?

4 A. I'm sure I did.

5 MS. WILLIAMS: Okay. I'm going to mark this  
6 here. Can I mark this as Exhibit 1?

7 [Exhibit 1 marked, September 25, 2015 offer  
8 letter from Kristin Johnson to Shea Baham]

9 A. I can --

10 MS. WILLIAMS:

11 Q. Yes.

12 A. Oh, okay.

13 Q. Ms. Bible, I'm showing you what's been marked as  
14 Exhibit 1 to your deposition.

15 A. Yes.

16 Q. Do you recognize that document?

17 A. Yes.

18 Q. What is that document?

19 A. It looks like my offer letter. Yeah. Yep.

20 Q. Okay. And this is the offer letter that we were  
21 just discussing that you said you recalled receiving?

22 A. Yes.

23 Q. Okay. And it identifies that you started the --  
24 you were offered the HR business partner position at  
25 Direct Energy effective October 5th, 2015, correct?

1 A. Yes, yes.

2 Q. It also identifies your biweekly salary  
3 annualized to 150,000, correct?

4 A. Yes.

5 Q. Okay. And then other benefits, including the  
6 incentive plan, benefits, 401(k), et cetera, right?

7 A. Yes.

8 Q. Okay. Did you have any questions at the time the  
9 offer was made about any of the terms?

10 A. Yes.

11 Q. What questions did you have?

12 A. I asked if there could be a sign-on bonus.

13 Q. And what was the answer?

14 A. No.

15 Q. Did you have any issues about that or --

16 A. No. Ultimately they granted a \$5,000 sign-on  
17 bonus, but it was part of the negotiation. So, yeah.

18 Q. So they said no, but then they gave you --  
19 they --

20 A. Through the negotiation, --

21 Q. Okay.

22 A. -- right.

23 Q. So you asked for a sign-on bonus. They said no?

24 A. And then we came to the agreement on 5,000.

25 Q. Okay. So you ultimately did get a sign-on bonus?

1 A. Yes.

2 Q. Who did you negotiate that with?

3 A. I believe it was the recruiter.

4 Q. When you started at Direct Energy as an HR  
5 business partner, what were your responsibilities?

6 A. Advice and counsel to leaders and employees  
7 regarding the HR space.

8 Q. Did you service any particular client group?

9 A. I did.

10 Q. Which client group?

11 A. I do not recall which ones I had at first.

12 Q. Was it more than one client group at a time, or  
13 did you have one specific client group?

14 A. It could vary.

15 Q. And I'm focusing on the start of your employment.

16 A. Uh-huh.

17 Q. When you started there, were you assigned to one  
18 or more client groups, if you recall?

19 A. Initially I was -- initially I don't know I was  
20 assigned to any one client --

21 Q. Okay.

22 A. -- group. Ultimately I was assigned to the  
23 Direct Energy solar business, and they were my -- my --  
24 my client.

25 Q. Okay. And how long were you assigned to the

1 Direct Energy solar business, if you recall?

2 A. 2015, '16, '17. I would say through 2017 until  
3 the business was dissolved.

4 Q. So from 2015 until 2017?

5 A. Yes.

6 Q. And during the time that you were assigned and  
7 supporting the solar business, were you reporting to  
8 Kristin Johnson for that entire period?

9 A. No.

10 Q. Okay. When you started you were reporting to  
11 Kristin Johnson, correct?

12 A. Yes.

13 Q. When did you stop reporting to Kristin Johnson?

14 A. When she moved into a different role, and I don't  
15 recall what the name of that role was.

16 Q. But it would have been before 2017?

17 A. Yes.

18 Q. Okay. And then who did you start reporting to?

19 A. Zandra Koeppel.

20 Q. At the time that you started at Direct Energy,  
21 was -- was Melinda Reeves there?

22 A. Yes.

23 Q. What was Melinda Reeves' position when you  
24 started at Direct Energy?

25 A. I believe SVP of human resources.

1 Q. So the group that you were hired into reported up  
2 to Melinda Reeves at the time you started?

3 A. Yes.

4 Q. And it continued that way until Melinda Reeves  
5 left the company?

6 A. Yes.

7 Q. Okay. Do you recall when Melinda Reeves left the  
8 company?

9 A. Perhaps 2018.

10 Q. So you've described that in your capacity as an  
11 HR business partner you provided advice and counsel to  
12 leaders and employee -- employees in the HR space. What  
13 specifically did that entail for you?

14 A. That would entail attending leadership team  
15 meetings, consulting with leaders on -- on the business  
16 as it related to human resources, sorting through  
17 employee complaints, leadership development, leadership  
18 coaching, employee development, anything that was HR  
19 related, that's what I did.

20 Q. Did you conduct investigations into employee  
21 complaints?

22 A. Sometimes, yes.

23 Q. How many investigations would you say you've --  
24 you conducted during the time you worked at Direct  
25 Energy?

1       A.   I don't know the exact number.

2       Q.   At least 10?

3       A.   At least.

4       Q.   At least 20?

5       A.   At least.

6       Q.   At least 50?

7       A.   I'd say less than 50.

8       Q.   So somewhere between 20 and 50?

9       A.   That sounds fair, yeah.

10      Q.   What type of issues were involved in the  
11    investigations that you conducted during your time at  
12    Direct Energy?

13      A.   Unfair treatment, discrimination, race, gender,  
14    age, retaliation, hostile work environment, theft. Did  
15    I say sexual harassment?

16      Q.   I don't think you did.

17      A.   Okay.

18      Q.   Any others you can think of?

19      A.   Not that I can think of.

20      Q.   Okay. The investigations that you participated  
21    in, did you actually conduct and lead those  
22    investigations at Direct Energy?

23      A.   Sometimes. Sometimes it was depending on the  
24    type of investigation it was. Sometimes it was funneled  
25    through our employee relations department where I

1     partnered with my employee relations advisor on the  
2     investigation.

3         Q.   Did you have a particular employee relations  
4     advisor that was assigned to you, or did you work with  
5     various employee relation -- relations advisors?

6         A.   I worked with various employee relations  
7     advisors.

8         Q.   And so there were some investigations that you  
9     handled solo; is that right?

10        A.   Yes.

11        Q.   And then there was, excuse me, some  
12     investigations that you handled together with someone  
13     from employee relations, --

14        A.   Yes.

15        Q.   -- correct? Was there a difference in terms of  
16     why or when you would get -- conduct an investigation  
17     solo versus one that you would conduct with employee  
18     relations?

19        A.   Yes.

20        Q.   What was that?

21        A.   The level of complexity.

22        Q.   The more complex it was, then you would work with  
23     employee relations on that?

24        A.   Yes.

25        Q.   Okay. What's meant by complexity?



1       A. If there was like a claim of discrimination or  
2 something more complex, a hostile work environment, so  
3 those types of complaints I would work in conjunction  
4 with employee relations department.

5       Q. Were there discrimination complaints that you  
6 handled solo?

7       A. No.

8       Q. So every discrimination complaint you had you  
9 handled it in conjunction with someone from employee  
10 relations; is that right?

11      A. Yes.

12      Q. What kind of complaints did you handle solo?

13      A. It could be like a -- a complaint about a manager  
14 or employees, two employees, having disagreements.

15      Q. Were you familiar -- in your capacity as an HR  
16 business partner at Direct Energy, were you familiar  
17 with Direct Energy's policies and procedures related to  
18 discrimination complaints?

19      A. Yes.

20      Q. In fact, it would have been important for you to  
21 be familiar with that, because that was a part of your  
22 job, right?

23      A. Yes.

24      Q. And in your capacity as an HR business partner at  
25 Direct Energy, were you also familiar with the company's

1 processes, procedures and policies related to workplace  
2 investigations?

3 A. Yes.

4 Q. And, in fact, that would have been important for  
5 you to be familiar with, because that was a part of your  
6 job, as well, right?

7 A. Yes.

8 Q. Okay. Would you say that you were very  
9 proficient at managing investigations when they came to  
10 you either solo or with the employee relations  
11 representative?

12 A. Could you -- what do you mean by --

13 Q. I mean, were you good at that?

14 A. Oh, absolutely. I'm -- I'm great at my job.

15 Q. Okay. And were you also good at managing or  
16 understanding the company's discrimination policies and  
17 procedures and how -- how to appropriately respond to  
18 claims of discrimination?

19 A. Yes.

20 Q. Was there any aspect of the company's  
21 antidiscrimination policy that you weren't familiar  
22 with?

23 A. No.

24 Q. Were there any aspects of the company's workplace  
25 investigation policies that you weren't familiar with?

1 A. No.

2 Q. I'm sorry?

3 A. No.

4 Q. Okay. And would you -- would you say that you  
5 were extremely familiar with all of those, with the  
6 discrimination policy?

7 A. I would say that I was familiar with the  
8 discrimination policy as well as the workplace --

9 Q. Investigation --

10 A. -- investigations, yes.

11 Q. -- policy?

12 A. Right.

13 Q. Okay. Well, in fact, maybe I jumped the gun a  
14 little bit. Did Direct Energy have policies in place  
15 related to antidiscrimination?

16 A. Yes, they had a policy in place with respect to  
17 antidiscrimination and workplace hostile work  
18 environments, workplace harassment.

19 Q. And you were really familiar with those in your  
20 capacity as an HR business partner; is that right?

21 A. I was familiar with them, yes.

22 Q. Not very familiar, just familiar?

23 A. I would need to reread them. I'm just --

24 Q. But I mean during the time that you were there,  
25 you were very familiar with those policies, --

1       A.   Yes.

2       Q.   -- right?  Because you -- in fact, --

3       A.   That's --

4       Q.   -- you had to work with them --

5       A.   Right.

6       Q.   -- regularly, right?

7       A.   Right, right, right.

8       Q.   Okay.  And then did Direct Energy also have a  
9 policy related to workplace investigations during the  
10 time that you were there?

11      A.   I don't know if they had a policy with respect to  
12 it.  There -- I don't even know if there was a process.  
13 I just know that if I worked with my employee relations  
14 advisors.  Sometimes I took my complaints to them.  
15 Sometimes they came in through the integrity or  
16 complaint hotline.  Sometimes the employees called them  
17 directly.

18      Q.   So you said you don't recall if there was an  
19 actual written policy or process related to workplace  
20 investigations; is that right?

21      A.   I don't recall.

22      Q.   If -- but in your experience there, there were  
23 actual processes and procedures related to workplace  
24 investigations, correct?

25      A.   Yes.

1       Q. And during the time you were there you were very  
2 familiar with what those policies and procedures were,  
3 correct?

4       A. Yes.

5       Q. Did -- did -- and I'm asking this question to  
6 determine whether it was something separate and distinct  
7 from the policies we've already talked about or a part  
8 of the same policies, but --

9       A. Okay.

10      Q. -- did -- did Direct Energy have sort of  
11 reporting procedures, like an ethics complaint procedure  
12 where employees could lodge complaints that they had  
13 through some type of hotline or other process?

14      A. Yes.

15      Q. Was that something that's separate from the  
16 antidiscrimination policy and workplace investigation  
17 policy that we've talked about?

18      A. Yes.

19      Q. Okay. So there was a separate, distinct policy  
20 related to the ethics reporting procedures?

21      A. It might have been mentioned in those policies,  
22 but it was a separate process.

23      Q. Okay. And I was -- I was going to make that  
24 distinction.

25      A. Okay.

1 Q. So thank you very much. So it was its own  
2 particular policy, correct, to your recollection?

3 A. To my recollection, yes.

4 Q. But, obviously, incorporated into the  
5 discrimination policy and the investigation policy,  
6 correct?

7 A. Yes.

8 Q. Okay. Do you recall what -- was it called like  
9 EthicsPoint, or do you recall what the name was?

10 A. There's so many of them. I -- I referred to it  
11 as the ethics hotline.

12 Q. Okay. And would you say in your capacity as an  
13 HR business partner you were very familiar with the  
14 policy and procedures related to the ethics hotline at  
15 Direct Energy?

16 A. Yes.

17 Q. Because, again, that would have been a part of  
18 your responsibilities as an HR business partner to be  
19 familiar with and implement those policies, correct?

20 A. Yes.

21 Q. Okay. Did -- sorry, did Direct Energy have a  
22 code of conduct during the time that you worked for the  
23 company?

24 A. Yes.

25 Q. And was that code of conduct separate from the

1 policies we've described, we've been discussing?

2 A. I'm not certain what would have been included  
3 as -- I don't know.

4 Q. Okay. Sitting here right now, do you have a  
5 recollection of it being something separate and distinct  
6 from the antidiscrimination policy, for example?

7 A. I believe they were separate.

8 Q. Okay. And in your capacity as an HR business  
9 partner, were you very familiar with the code of conduct  
10 at Direct Energy during the time you worked there?

11 A. I was familiar with it, yes.

12 Q. Okay. Familiar, were you very familiar with it?

13 A. I would not say that I could recite it. So when  
14 you asked me if I'm very familiar with something, I --  
15 could I recite it or -- and I could not do that. But  
16 did I understand the intent of the policy? Yes.

17 Q. Okay. And, in fact, that would have been  
18 important -- it would have been important for you to be  
19 familiar with the policy, because it would have been a  
20 part of your responsibilities as an HR business partner  
21 to implement some parts of the code of conduct from time  
22 to time, correct?

23 A. Yes.

24 Q. When you started at Direct Energy, did you have  
25 to go through any type of training related to the

1 company's policies?

2 A. I'm sure there was.

3 Q. Okay. And do you recall during your employment  
4 at Direct Energy, did you participate in any type of  
5 annualized training or training on some other, you know,  
6 schedule related to the company's policies?

7 A. Yes.

8 Q. How often was this training?

9 A. Best I recall, every year.

10 Q. Okay. And so just so the record's clear, to the  
11 best of your recollection, you recall receiving training  
12 at the start of your employment at Direct Energy related  
13 to the company's various HR policies, correct?

14 A. I recall that there was training on various  
15 policies. I don't recall exactly when I received those.

16 Q. Okay. Every year, in any event, you did receive  
17 training on the company's HR policies; --

18 A. Every year --

19 Q. -- is that correct?

20 A. I'm sorry, I'm sorry. Every year I recall  
21 receiving training. The type of training varied by  
22 year.

23 Q. What -- what training do you recall receiving  
24 during the time that you worked at Direct Energy?

25 A. I recall receiving training on -- what is it



1 called -- IT safety. So using IT, technical stuff like  
2 the technology being -- so that you don't get -- like  
3 compromise the systems like that.

4 There was safety training. And I also recall --  
5 I don't recall code of conduct training, but I'm sure  
6 that there was. There had to be. That's all I recall.

7 Q. Do you recall training on the company's  
8 antidiscrimination policy?

9 A. I don't recall, but, yeah, there could have been,  
10 yeah.

11 Q. Okay. What about on the company's investigation  
12 policy?

13 A. I don't recall, but there could have been  
14 there, --

15 Q. Okay.

16 A. -- too, yeah.

17 Q. And then on the -- the EthicsPoint policy, do you  
18 recall that being a part of any training you received?

19 A. I don't recall that one, either.

20 Q. Okay. How did you become familiar with the  
21 company's policies, the ones we've been discussing?

22 A. They were either online or written or -- yeah.

23 Q. When you started at Direct Energy, you mentioned  
24 that Melinda Reeves was the SVP of HR, correct?

25 A. I believe that was her title, --

1 Q. Okay.

2 A. -- yes.

3 Q. Do you know who the -- what the reporting  
4 structure was kind of flowing down from Melinda Reeves  
5 at the time you started?

6 A. As best I recall, Kristin Johnson reported in to  
7 her, Zandra reported in -- Zandra Koeppel reported in to  
8 her, and some functional leaders reported in to her.

9 Q. Were there other HR business partners in the  
10 department when you started?

11 A. Yes.

12 Q. Who were they?

13 A. I don't recall their names.

14 Q. Do you recall any of -- did some of the HR  
15 business partners report to Kristin Johnson as you did  
16 and then some reported to Zandra?

17 A. Yes.

18 Q. Okay. So they were split between the two of them  
19 in terms of reporting?

20 A. It was split based on the business.

21 Q. Okay.

22 A. So, yes.

23 Q. Were Kristin and Zandra, to your understanding,  
24 basically peer level?

25 A. Yes.

1       Q.   Okay.  And then each of them had HR business  
2 partners who reported up to them?

3       A.   Yes.

4       Q.   Okay.  Do you recall just roughly how many HR  
5 business partners were in the department when you  
6 started?

7       A.   I don't.

8       Q.   You -- you said earlier that for some -- for some  
9 period of time you were supporting the solar business  
10 group?

11      A.   Yes.

12      Q.   And you think that that ended sometime in 2017  
13 when the business dissolved?

14      A.   Yes.

15      Q.   At the time the business dissolved, the solar  
16 business dissolved, were you reporting to Kristin  
17 Johnson or Zandra Koeppel?

18      A.   I think I was reporting to Zandra at that time.

19      Q.   Okay.  And then what -- what other business group  
20 did you support after the solar business group was  
21 dissolved?

22      A.   I supported the sales and marketing team.  I  
23 supported the digital innovation team.  I supported the  
24 strategy team.

25      Q.   These are all at different times, or did you

1 support them --

2 A. All at the same time.

3 Q. All at the same time. So after you -- after the  
4 solar business group dissolved, you were assigned sales  
5 and marketing, digital innovation and the strategy team  
6 all at the same time?

7 A. Yes.

8 Q. And so that would have -- they -- your support of  
9 those business groups would have started in 2017?

10 A. That's -- yes, that seems about right, yes.

11 Q. And how long did you support sales and marketing,  
12 digital innovation and strategy?

13 A. Until I was -- until I left.

14 Q. Until 2019?

15 A. Yes.

16 Q. Was there -- between 2017 and 2019 was there a  
17 period where anything changed about the groups that you  
18 were supporting where you either lost a group or gained  
19 a group, or did it stay consistent with those three for  
20 that entire period?

21 A. I don't recall.

22 Q. Sitting here today you don't recall any other  
23 groups that you supported besides solar business, sales  
24 and marketing, digital innovation and strategy during  
25 your employment at Direct Energy; is that right?

1       A. I also supported the annuities business.

2       Q. Okay. When was that?

3       A. When as -- while I was supporting the solar  
4 business, I also supported them, too.

5       Q. Okay. So let me just kind of recap for the  
6 record. You supported solar and annuities at the same  
7 time between 2015 and 2017; is that correct?

8       A. At some point within that time period I also  
9 picked up the annuities business.

10      Q. Okay.

11      A. And I don't recall exactly when.

12      Q. Okay. And then after the solar business, excuse  
13 me, dissolved, you stopped supporting annuities,  
14 correct?

15      A. Yes.

16      Q. And you picked up sales and marketing, digital  
17 innovation and strategy; is that right?

18      A. The annuities business was a part of the sales  
19 and marketing portfolio.

20      Q. Okay. So you continued supporting annuities  
21 through your support of sales and marketing?

22      A. Yes.

23      Q. Okay. So we've identified five groups. Any  
24 other groups that you can recall that you supported  
25 during your employment at Direct Energy?

1       A.   No.

2       Q.   Okay.  Did your responsibilities as an HR  
3 business partner change based on the groups that you  
4 were supporting?

5       A.   Could you ask the question again?

6       Q.   Did your responsibilities as an HR business  
7 partner change based on the groups that you were  
8 supporting?

9       A.   No.

10      Q.   Do you have an understanding as to -- so the -- I  
11 asked earlier about the job grade classifications.  You  
12 were a level 6, correct, when you started?

13      A.   Yes.

14      Q.   Did you -- what was your job grade classification  
15 throughout your employment at Direct Energy?

16      A.   A level 6.

17      Q.   So you were a level 6 from October 2015 when you  
18 started through September 2019 when you left?

19      A.   Yes.

20      Q.   Okay.  Is level -- to your understanding, is  
21 level 6 designated for certain job titles or positions?

22      A.   Yes.

23      Q.   Okay.  What job -- and, obviously, the HR  
24 business partner is one of them.  Do you know any other  
25 job titles or positions at Direct Energy that were

1 designated as level 6 when you were there?

2 A. Not that I can recall.

3 Q. Okay. And the level 5 job grade classification  
4 was senior to level 6, correct?

5 A. Yes.

6 Q. Do you know what positions or job titles had the  
7 level 5 designation?

8 A. It would be director level roles.

9 Q. And then for level 4 positions, do you know what  
10 job titles or positions had level 4 job grade  
11 classifications?

12 A. That would be vice president level roles.

13 Q. I'm sorry?

14 A. Vice president level roles.

15 Q. Earlier we talked about the VP of HR role that  
16 you applied for. Do you recall that?

17 A. Yes.

18 Q. In 2017?

19 A. Yes.

20 Q. What level role was that, to your recollection?

21 A. That would have been a level 4. I believe level  
22 4, yes.

23 Q. And at the time you applied for that you were a  
24 level 6?

25 A. Yes.

1 Q. And then the HR director role that you applied  
2 for in 2019, what role was that?

3 A. A level 5.

4 Q. And at the time you applied for that you were a  
5 level 6, correct?

6 A. Yes.

7 Q. And then there were the HR consultant roles that  
8 you applied for in 2019. What level roles were those?

9 A. Level 6.

10 Q. And at the time you applied for that, you were  
11 level 6?

12 A. Yes.

13 Q. Okay. Do you recall -- I know you said you  
14 couldn't recall who else -- who the other HR business  
15 partners were at the time that you were reporting to  
16 Kristin Johnson.

17 A. Right.

18 Q. Do you recall the -- any other HR business  
19 partners in the group at any point during your  
20 employment at Direct Energy, who they were?

21 A. I -- she wasn't necessarily an HR business  
22 partner. She was a more junior employee. At any time?

23 Q. Yeah.

24 A. Okay. Brittany, I forgot her last name.

25 Q. This is the one that you said is the more junior



1 employee?

2 A. She is more junior, yes, but she was an HR  
3 business partner.

4 Q. Okay. Okay. So you were -- you said there was  
5 someone who was a more junior employee. Was that  
6 Brittany or somebody else?

7 A. Oh, someone else.

8 Q. Okay. All right. So we have Brittany, who was  
9 an HR VP?

10 A. Right.

11 Q. And then who else?

12 A. Chenee Franklin, Angie Moore -- I'm drawing a  
13 complete blank. I'm drawing a blank. I'm sorry.

14 Q. Okay. That's fine. If you recall any, just --

15 A. Yeah.

16 Q. -- let me know. Throughout the day something may  
17 pop up. Do you recall what was -- is it Brittany Smith?  
18 Does that sound right to you?

19 A. Yes.

20 Q. Her last name?

21 What was Brittany's -- or what is Brittany's  
22 race?

23 A. Black.

24 Q. Do you know how old Brittany is?

25 A. Probably early 30s.

1 Q. I'm sorry?

2 A. Probably mid -- mid-30s.

3 Q. Do you know for a fact what her age is or are

4 you --

5 A. No.

6 Q. -- just making a guess?

7 A. I don't know for a fact.

8 Q. Okay. So do you know Brittany Smith's age?

9 A. No.

10 Q. Okay. Chenee Franklin, what is her race?

11 A. Black.

12 Q. Do you know Chenee Franklin's race -- I'm sorry,  
13 age?

14 A. No.

15 Q. And Angie Moore, what is her race?

16 A. White.

17 Q. Do you know Angie Moore's age?

18 A. No.

19 Q. What is Melinda Reeves' race?

20 A. I believe she's Caucasian.

21 Q. Do you know Melinda Reeves' age?

22 A. No.

23 Q. Kristin Johnson, what is her race?

24 A. Black.

25 Q. Do you know her age?

1 A. No.

2 Q. Zandra Koeppel, what is her race?

3 A. Hispanic.

4 Q. Do you know her age?

5 A. No.

6 Q. Jeff Fralix, what is his race?

7 A. White.

8 Q. Do you know his age?

9 A. He is -- I don't know exactly, no.

10 Q. With respect to your age discrimination claim, I  
11 think you testified earlier that your age claim is based  
12 on the HR director role, correct?

13 A. Yes.

14 Q. And then the HR consultant roles?

15 A. Yes.

16 Q. There were two HR consultant roles in 2019 that  
17 opened, correct?

18 A. Yes.

19 Q. Okay. And so you're complaining about the fact  
20 that you did not get either one of those, correct?

21 A. Yes.

22 Q. Okay. Who got the HR director role?

23 A. Angie Moore.

24 Q. Okay. And how do you know that she's younger  
25 than you?

1       A. I don't know her exact age.

2       Q. Okay. So when you allege that that role went to  
3 a younger employee, you don't actually know if it went  
4 to a younger employee, correct?

5       A. Correct.

6       Q. Okay. The HR consultant roles, who -- who got  
7 those roles?

8       A. Brittany Smith and Chenee Franklin.

9       Q. And you've testified that you don't know either  
10 of their ages, correct?

11      A. Correct.

12      Q. So how do you know that the HR consultant roles  
13 went to younger employees?

14      A. I don't know their ages.

15      Q. What is the basis -- what evidence do you have or  
16 are you presenting to the jury that the HR director role  
17 was given to a younger employee?

18      A. Based upon Angie's tenure, as well as her stage  
19 in life. I know that she was younger than me.

20      Q. How do you know that she was younger than you?  
21 That is what I'm trying to understand.

22      A. Direct Energy had a -- I don't know her exact  
23 age. So --

24      Q. So what evidence are you presenting to the jury  
25 to prove that the HR director role went to Angie, who

1 was younger -- who you claim was younger than you?

2 A. I don't know. I'm -- I don't know.

3 Q. It's just your own belief that she's younger than  
4 you; is that what you're working on?

5 A. Based upon our conversations, her stage in life,  
6 her level of experience, her years of experience, that,  
7 yes, that she and the others are -- are younger than I  
8 am.

9 Q. It is your belief based on this information that  
10 she's younger, but you don't actually have any proof  
11 that she's younger, correct?

12 A. Yes, I don't know her exact age, correct.

13 Q. Okay. And with respect to the HR consultant  
14 roles, what evidence are you planning to present to the  
15 jury to establish that those roles were given to younger  
16 employees?

17 A. It is my belief that based upon their experience  
18 and our conversations, their stage in life, that they  
19 are younger than I am.

20 Q. Sitting here today, you don't have any evidence  
21 that Brittany Smith or Chenée Franklin are actually  
22 younger than you, correct?

23 A. I don't have anything.

24 Q. Okay. The VP of HR role, you're also alleging  
25 that that went to a younger employee, correct?

1 A. Yes.

2 Q. And that would be Jeff Fralix?

3 A. Yes.

4 Q. What evidence do you have that Jeff Fralix is  
5 younger than you?

6 A. Jeff and I had a conversation about his age.

7 Q. Okay. And what -- what did he tell you about his  
8 age in that conversation?

9 A. We discovered that he is one or two years younger  
10 than I am.

11 Q. How old were you at the time in 2017? Sorry.  
12 What is your date of birth?

13 A. There we go.

14 Q. Yes.

15 A. November the 20th, 1970. Why don't we figure  
16 that out.

17 Q. Okay. So -- and at the time you were hired by  
18 the company, it looks like you would have been about 45.  
19 Does that sound right?

20 A. 44.

21 Q. 44?

22 A. Going on 45, yes.

23 Q. Okay. And so in 2017 you would have been about  
24 47?

25 A. 46, 47, yeah.

1 Q. Okay. And you had a conversation with Jeff where  
2 he confirmed that he's one or two years younger than  
3 you?

4 A. Yes.

5 Q. Okay. And the fact that he's one or two years  
6 younger than you is what you are relying upon to support  
7 your age discrimination claim related to the VP of HR  
8 role; is that right?

9 A. Yes.

10 Q. Okay. Earlier you testified that with respect to  
11 your race claim you're complaining about the VP of HR  
12 role and the HR director role, correct?

13 A. I'm sorry, ask the question again.

14 Q. Regarding your race discrimination claim you  
15 testified that you're complaining about the VP of HR  
16 role and the HR director role, correct?

17 A. Specifically the VP of HR role.

18 Q. Okay. Not the HR director role?

19 A. No.

20 Q. So in this lawsuit the only role that forms the  
21 basis of your race discrimination claim is -- is the VP  
22 of HR role that you did not get in 2017?

23 A. I'm sorry, I'm -- I need a break. I'm -- it's  
24 my --

25 Q. I can give you one. I just want to get that --

1 A. Okay. I am --

2 Q. -- clarification.

3 A. -- so sorry. I'm just like spinning right now.

4 Okay.

5 Q. Just take a breath.

6 A. It's -- it's literally with all this allergy

7 medicine I'm taking. Okay. Folks. I am so sorry.

8 Continue.

9 Q. That's okay.

10 A. Okay. Ask it again.

11 Q. For your race discrimination claim, --

12 A. Yes.

13 Q. -- you're complaining about the VP of HR role,

14 correct?

15 A. Yes.

16 Q. That was in 2017, yes?

17 A. Yes.

18 Q. Are you also complaining about the HR director

19 role in connection with your race discrimination claim?

20 A. Yes.

21 Q. Okay. All right.

22 A. Yes.

23 Q. So let's get --

24 A. Yes.

25 Q. -- the record clear.



1 A. Yes.

2 Q. Your race discrimination claim is about the VP of  
3 HR role?

4 A. Yes.

5 Q. And also about the HR director role?

6 A. Yes.

7 Q. Is it about the HR consultant roles?

8 A. No.

9 Q. Okay. And why is that?

10 A. Because both Brittany and Cheneé share the same  
11 race as I do.

12 Q. Okay. So the two individuals who got that role  
13 are both African American, as well?

14 A. Yes.

15 Q. Okay. And so you agree that in connection with  
16 your claims, if there is a similarity in your race or  
17 age with the individuals who got the roles, that that  
18 would not support your claims, right?

19 A. Yes.

20 Q. Okay. So, for example, if Angie Moore is the  
21 same age as you, that would indicate that the company  
22 did not discriminate against you because of your age,  
23 right?

24 A. Yes.

25 Q. And if Jeff Fralix is the same age as you, that

1 would also indicate that the company did not  
2 discriminate against you because of your age, correct?

3 A. Yes.

4 Q. Okay. How well did you know Melinda Reeves when  
5 you worked at Direct Energy?

6 A. Not very well.

7 Q. Did you interact with her much during the time  
8 that you both were there?

9 A. About once a month we had one-on-one meetings or  
10 skip-level meetings.

11 Q. Okay. And your interactions with her, generally  
12 how would you describe those?

13 A. They were okay.

14 Q. Did you have any negative interactions with her  
15 up till the time that you claim that you had a  
16 conversation with her where she made a racist comment?

17 A. Not that I recall.

18 Q. When was the conversation where you claim she  
19 made the racist comment?

20 A. Around mid -- mid-2017.

21 Q. Okay. And that was following the VP of HR  
22 application process, right?

23 A. That was during the process.

24 Q. Okay. When you met with her, you had already --  
25 you had learned that you did not get the VP of HR role?

1 A. No.

2 Q. You did not know?

3 A. No.

4 Q. Okay. What was the point of you meeting with her  
5 at that time?

6 A. The point, I thought, was to have an interview  
7 for the role.

8 Q. Do you -- I know this is probably pushing it a  
9 little bit. Do you remember how you found out you did  
10 not get -- from whom you found -- you learned that you  
11 did not get the VP of HR role?

12 A. I don't recall from who.

13 Q. Do you -- do you know who Daniel Kochman is?

14 A. Yes.

15 Q. Okay. Who's Daniel Kochman?

16 A. He would have been a recruiter in talent  
17 acquisition.

18 Q. Okay. Do you recall communicating with Daniel  
19 Kochman about the status of the VP of HR role that you  
20 applied for?

21 A. Yes.

22 Q. Okay. How did you and Daniel Kochman communicate  
23 about that?

24 A. Via email.

25 Q. Okay. Do you recall learning from Daniel Kochman

1     that you did not get the VP of HR role?

2         A.   That sounds right, yeah.

3         Q.   Okay.  If there's an email that shows that he  
4     notified you on or about August 13th that you did not  
5     get the VP of HR role, would that sound about right to  
6     you?

7         A.   Yes.

8         Q.   And I'm sorry, August 13th, 2017?

9         A.   Yes.

10        Q.   Okay.  And if there are records showing that you  
11   met with Melinda Reeves on Tuesday, August 15th, 2017,  
12   after you learned from Daniel Kochman that you didn't  
13   get the role, would that sound about right?

14        A.   Yes.

15        Q.   Okay.  So to clarify the record, when you met  
16   with Melinda Reeves on August 15th, you had already been  
17   informed that you did not get the VP of HR role from  
18   Daniel Kochman, correct?

19        A.   I recall meeting with her and being surprised  
20   that I wasn't even going to be offered an interview for  
21   the role.  So, yeah, so that's what I recall.  And I --

22        Q.   But my question is by the time you met with her,  
23   you already had some indication that you were not going  
24   to get the role, correct?

25        A.   I don't recall it that way.

1 Q. Okay.

2 A. Yeah.

3 Q. Okay. Tell me about this meeting that you had  
4 with -- with Melinda Reeves where you claim she made a  
5 racist comment.

6 A. We -- we were whatever floor it was on, whatever  
7 floor she sits on, in the --

8 REPORTER: I'm sorry.

9 MS. WILLIAMS:

10 Q. I'm sorry.

11 A. I am so sorry. Can I take a break? I mean, I'll  
12 answer this one, but I just want to take a break. I  
13 just feel like I need to get up and -- and stretch.

14 Q. Sure.

15 A. So --

16 Q. Do you need a break now, or do you want to finish  
17 this question and then we take a break? I mean, I'd  
18 prefer to get the question answered, if we can.

19 A. I'll answer it.

20 Q. And then --

21 A. Yeah, yeah.

22 Q. Okay.

23 A. Yeah, yeah. I just -- okay. Realizing y'all  
24 didn't understand whatever I just said, it's obvious,  
25 okay, I need to stand up and go get some fresh air.

1           Okay. With respect to the meeting, she started  
2 off by telling me that I did -- that she really didn't  
3 know me and that she felt like I intentionally missed  
4 like one-on-one meetings with her and that I just turned  
5 them down.

6           And I informed her that sometimes they were  
7 scheduled when I was on a plane, because her assistant  
8 did not look at calendars. And just she told me that  
9 she was the SVP of HR, and I took from that that I  
10 needed to have -- I don't -- I don't know, but it  
11 just -- it didn't -- it wasn't -- I didn't take it in a  
12 positive manner.

13           And then she informed me that I wasn't going to  
14 be interviewed for the role, and when I asked why,  
15 because, you know, I'm like you said you don't know me,  
16 and that's how you get to know somebody. She told me  
17 that she needed someone in the role who she could trust.  
18 And all of my bells and whistles and red flags went off  
19 in terms of the word trust in terms of being a black  
20 woman and not being trustworthy.

21           And, yeah, I -- that's all I recall from the -- I  
22 don't recall anything else. And I recall walking away  
23 feeling, yeah, dismissed, and, yeah, it wasn't a very  
24 pleasant feeling after I walked away from that meeting.

25           Q. Okay. I have follow-up, but -- obviously, but

1     why don't we take the break --

2         A.   Thank you.

3         Q.   -- and then we can kind of pick up.

4         A.   Thank you.

5             MS. WILLIAMS:   Okay.

6             VIDEOGRAPHER:   It is 12:19, and we are off the  
7     record.

8             [Recess]

9             VIDEOGRAPHER:   It is 12:45, and we are back on  
10    the record.

11            MS. WILLIAMS:

12         Q.   Ms. Bible, we've had a break.  Is there anything  
13     that you want to change or add to your previous  
14     testimony?

15         A.   No.

16         Q.   Okay.  When we took the break, we were talking  
17     about your meeting with Melinda Reeves, and you said  
18     that she -- she made a couple of comments during the  
19     meeting.  One was she told you she did not -- that she  
20     did not know you; is that right?

21         A.   Yes.

22         Q.   Was it true that she did not know you very well?

23         A.   No.

24         Q.   You all knew each other well?

25         A.   I don't -- I mean, I wouldn't define it as well,

1 but she knew me.

2 Q. Okay. Did you think, when she said she didn't  
3 know you, that she meant she didn't know you at all?

4 A. I took it as she did not know my background in  
5 terms of HR.

6 Q. Okay. Did she know your background as a -- in  
7 HR?

8 A. I don't know.

9 Q. Okay. So do you have any basis to believe that  
10 when she said she didn't know about your background in  
11 HR that she was not being truthful when she said that?

12 A. No.

13 Q. Okay. And then she said that you  
14 intentionally -- or she implied that you intentionally  
15 missed meetings with her?

16 A. Yes.

17 Q. Okay. Did you actually miss some meetings with  
18 her?

19 A. No, not intentionally.

20 Q. Did you ever miss any meetings with her, whether  
21 it was intentional or not?

22 A. No, not that I recall.

23 Q. Okay. Did you ever, during that meeting, excuse  
24 me, try to explain to her that you missed meetings  
25 because there were some calendar issues with your



1 calendar and her assistant who was setting up the  
2 meetings?

3 A. I explained to her that sometimes when meetings  
4 were scheduled I was not available.

5 Q. Okay. And so that would -- may have been the  
6 meetings that you missed that she was referring to,  
7 right?

8 A. They would have been rescheduled.

9 Q. Okay. But those were the meetings that she was  
10 referring to?

11 A. That's my assumption, yes.

12 Q. Okay. And so there were some actual meetings  
13 that were scheduled that you couldn't make that you had  
14 to reschedule with her, correct?

15 A. Absolutely, yes.

16 Q. Okay. And then you said she made a comment that  
17 she wanted somebody in the role that she could trust?

18 A. Yes.

19 Q. And you said bells went off in your mind when she  
20 said that?

21 A. Yes.

22 Q. Okay. Why did bells go off in your mind when she  
23 said she wanted somebody in the role that she could  
24 trust?

25 A. A, she did not know me, and, B, untrustworthiness

1 is a typical stereotype of a black person.

2 Q. Okay. So she didn't know you. If you don't know  
3 somebody, it's kind of hard to trust them, right?

4 A. And so what basis she made her assumption was or  
5 her -- her statement, it's like why -- why would she  
6 make that?

7 Q. Well, you said she didn't -- excuse me. You said  
8 she didn't know you, right?

9 A. Right.

10 Q. And so if she didn't know you, it's also possible  
11 that she would not have a basis to trust you, right?

12 A. Yes.

13 Q. Okay. Did she say anything else to you -- so  
14 when she said she couldn't trust you, you thought -- you  
15 took that -- is that the racist statement that she made  
16 that you're claiming happened during that meeting?

17 A. Yes.

18 Q. Okay. Did she say anything else in that meeting  
19 that you're alleging was a racist statement?

20 A. No.

21 Q. So just the fact that she could not trust you?

22 A. Yes.

23 Q. Okay. Did she mention your race during that  
24 meeting at all?

25 A. No.

1 Q. Did you mention your race during that meeting?

2 A. No.

3 Q. When she said she couldn't trust you, you took  
4 that to be a racist comment. Did you take that to be a  
5 comment that was discriminatory based on your age?

6 A. No.

7 Q. Okay. Did she say anything during the meeting  
8 about your age?

9 A. No.

10 Q. Did you say anything during the meeting about  
11 your age?

12 A. No.

13 Q. In all of your employment at Direct Energy, has  
14 anybody ever made any comments to you that was  
15 derogatory regarding your race?

16 A. Hold on, that's a span of four years. Let me  
17 think. No.

18 Q. And in your -- during your tenure with Direct  
19 Energy, has anyone ever said -- did anyone ever say  
20 anything to you that was derogatory regarding your age?

21 A. No.

22 Q. I'm sorry?

23 A. No.

24 Q. Okay. So how long did the meeting with Melinda  
25 Reeves last?

1       A. I don't recall. I would say probably 30 minutes,  
2 maybe.

3       Q. Okay.

4       A. Yeah.

5       Q. And how did you all end the meeting? Did you all  
6 have any plans for any follow-up meetings or any next  
7 steps?

8       A. Not that I recall.

9       Q. And I think you testified that when you went into  
10 the meeting you thought you were going to be  
11 interviewed? You thought that was your interview  
12 meeting?

13      A. Yes.

14           MS. WILLIAMS: Okay. I'm going to mark --  
15           [Exhibit 2 marked, August 14, 2017 email from  
16 Daniel Kochman to Shea Baham with attached email string]

17           THE WITNESS: Thank you.

18           MS. WILLIAMS:

19       Q. I'm showing you what's been marked as Exhibit 2  
20 to your deposition. Do you recognize this? It's -- do  
21 you recognize these pages?

22       A. Let me see. From Dan and other -- okay. Yes.

23       Q. Okay.

24       A. Yes.

25       Q. And, just for the record, can you describe for

1 the record what this document is?

2 A. It's an email exchange between Dan Kochman and I.

3 Q. Okay.

4 A. Well, that's what it looks like.

5 Q. And it's Bates labeled Bible 3 through Bible 8;  
6 is that right?

7 A. Oh, at the very bottom?

8 Q. Yes.

9 A. Yes.

10 Q. Okay. And it looks like it's the email  
11 communication between you and Daniel started on August  
12 3rd, and the last message was on Monday, August 14th,  
13 2017; is that right?

14 A. Yes.

15 Q. Okay. All right. So I want to turn your  
16 attention to the bottom of the first page of Exhibit 2,  
17 the email message from Daniel on Sunday, August 13th.  
18 Do you see that part?

19 A. Yes.

20 Q. And the second paragraph of his message he says I  
21 wanted to let you know that Mel and I connected before  
22 the weekend to discuss the internal candidates for the  
23 VP, NAH role?

24 A. Yes.

25 Q. And then the next paragraph based on the internal

1 candidates in play Mel has decided to move forward with  
2 a few other candidates at this time. Do --

3 A. Yes.

4 Q. -- you see that?

5 A. Yes.

6 Q. Did I read that correctly?

7 A. Yes.

8 Q. And then you responded on August 14th in the  
9 morning and said thank you for letting me know.

10 A. Uh-huh.

11 Q. I would love to hear more about what was lacking  
12 from my application.

13 A. Yes.

14 Q. I'll find some time to connect when you return  
15 from vacation?

16 A. Yes.

17 Q. Okay. Does that refresh your recollection --

18 A. Yes.

19 Q. -- that when you went into the meeting with Mel,  
20 Melinda, you already knew that you weren't being  
21 interviewed for the job?

22 A. Yes.

23 Q. Okay. Does that change your testimony then as to  
24 whether or not you went into the meeting expecting to be  
25 interviewed?

1 A. Yes.

2 Q. Okay. So, to clarify, when you went into that  
3 meeting, were you expecting to be interviewed?

4 A. No.

5 Q. And, in fact, you already knew that you were not  
6 going to be interviewed, correct?

7 A. Yes.

8 Q. Based on your email exchange with Daniel?

9 A. Yes.

10 Q. Okay. Do you know who else applied for the VP of  
11 HR role?

12 A. To the best of my recollection, Kristin Johnson  
13 and Martine Savage applied.

14 Q. Okay. And I think you said they were both -- do  
15 you know what level they were?

16 A. L5.

17 Q. Okay. And then Jeff Fralix also applied?

18 A. Obviously, yes.

19 Q. Okay.

20 A. And he was an L4.

21 Q. And he was an L4.

22 A. Uh-huh.

23 Q. Do you know if anybody else applied?

24 A. I don't know.

25 Q. Do you know if any other L6 employees applied?

1       A. I don't know.

2       Q. Okay. Okay. So after your meeting with -- well,  
3 when Daniel told you that you were not selected --

4       A. Uh-huh, yes.

5       Q. -- for the role, did you have any concerns at  
6 that time?

7       A. What type of concerns?

8       Q. About being treated unfairly.

9       A. I was concerned that I was not offered an  
10 interview.

11       Q. Do you know if there were other individuals who  
12 were not offered interviews?

13       A. I don't know. I do know that Kristin and Martine  
14 had interviews.

15       Q. Okay. But you don't know if there were other  
16 candidates who applied who also did not get interviews?

17       A. Correct.

18       Q. Okay. Is the -- did the fact that you did not  
19 get an interview, did that cause you to believe you were  
20 being discriminated against?

21       A. Excuse me. Yes. Yes.

22       Q. When did you develop the concern that not getting  
23 the interview was discriminatory?

24       A. Once I had a conversation with -- with Melinda  
25 and she said that she didn't know me, but she still made



1 a decision about not even interviewing me, that's -- as  
2 I said, that's when red flags, bells and whistles went  
3 off in my head. I'm like well, what assumptions did she  
4 make about me if she did not know me and then did not  
5 take the opportunity to know me, which is part of the  
6 interview process.

7 Q. Okay. So when you -- when you learned that you  
8 didn't get the interview from Daniel, you didn't think  
9 it was discriminatory at that time; you later came to  
10 believe it was discriminatory when you actually met with  
11 Melinda Reeves; is that right?

12 A. Yes.

13 Q. Okay. And that's based on the comment she made  
14 that she didn't know and didn't know if she could trust  
15 you; is that right?

16 A. Yes.

17 Q. Okay. But you don't know if there were other  
18 individuals who also were not interviewed, correct?

19 A. Correct.

20 Q. Okay. If you learned that there were other  
21 individuals who were not interviewed, would that change  
22 your opinion about whether you were being discriminated  
23 against by not being interviewed?

24 A. No.

25 Q. Okay. Why not?

1       A. Because of the level of skills and experience  
2 that I brought. My level of skills and experience that  
3 I brought were actually level 5, but I entered Direct  
4 Energy at a level 6, and I was actually qualified to do  
5 that level 4 role.

6       Q. Okay. So let me make sure I understand. So not  
7 getting the interview, in your mind, was discriminatory,  
8 correct?

9       A. I should have been interviewed, yes.

10      Q. Okay. And do you think -- discriminating against  
11 you for what reason, based on what? You think it was  
12 discriminatory because of your race, because of your  
13 age, because of both?

14      A. I think of both.

15      Q. Okay. So the fact that you did not get  
16 interviewed, you believe was discriminatory against you  
17 because you're a black woman, yes?

18      A. Yes.

19      Q. And because of your age at the time?

20      A. Yes.

21      Q. Okay. And if you found out that there was, for  
22 example, a white woman who had not been interviewed in  
23 that process, as well, you would still think that you  
24 were being discriminated against because you're a black  
25 woman?

1 MR. HODGES: Objection, speculation, but you can  
2 answer if you can understand the question.

3 A. Okay. No one there had the level of skills and  
4 experience I did. And even if there was a white woman  
5 there, I'm hard pressed to think of anybody who had  
6 level of skills and experience that I had. So --

7 Q. So -- but you think that you didn't get  
8 interviewed because you're black, correct?

9 A. Right, and my age, which relates to my level of  
10 skills and experience, yes.

11 Q. Okay. So let's -- I'm going to break that up.

12 A. Okay.

13 Q. So you think that you were not interviewed  
14 because you're black, correct?

15 A. I think that that played a role in it, yes.

16 Q. Okay. Kristin Johnson's black, right?

17 A. Yes.

18 Q. Kristin Johnson was interviewed, right?

19 A. Yes.

20 Q. Okay. And you think that you were not  
21 interviewed because of your age, right?

22 A. Yes.

23 Q. But you -- you don't know Kristin Johnson's age,  
24 right?

25 A. No.

1 Q. And you don't know Martine's age, correct?

2 A. Right.

3 Q. And you don't know Jeff Fralix's age?

4 A. Correct.

5 Q. Okay. And you don't know if there were other  
6 people who were -- who submitted applications for the VP  
7 of HR role, correct?

8 A. Correct.

9 Q. Okay. And you said that there was no one else  
10 who had the level of skills and experience that you had  
11 for the VP of HR role; is that right?

12 A. Correct.

13 Q. Was that your testimony? Were you more  
14 experienced than Kristin Johnson?

15 A. Yes.

16 Q. And -- and Martine Savage?

17 A. Yes.

18 Q. And Jeff Fralix?

19 A. Absolutely.

20 Q. What was -- what evidence do you have that you  
21 were more experienced than Jeff Fralix?

22 A. Our years of industry experience.

23 Q. How long -- how many years of industry experience  
24 did you have?

25 A. What was that? Probably 20 -- over 20 -- well, I

1 would say over 20. So probably 22, 23 at the time.

2 Q. How many years of industry experience did Jeff  
3 Fralix have at the time?

4 A. Less than I did. So --

5 Q. How much?

6 A. Say, I don't know, 20. I don't know.

7 Q. How -- how much industry experience did Kristin  
8 Johnson have?

9 A. About the same as Jeff.

10 Q. And then how much industry experience did Martine  
11 Savage have?

12 A. About the same as Kristin and Jeff.

13 Q. So you all were in the 20 years of experience  
14 range at the time of the VP -- at the time the VP of HR  
15 role was posted?

16 A. Yes.

17 Q. Okay. What makes you think that Jeff Fralix was  
18 unqualified for the position? Well, do you think Jeff  
19 Fralix was unqualified for the position?

20 A. Yes.

21 Q. Okay. What makes you think he was unqualified  
22 for the position?

23 A. Jeff was -- when I first started with Direct  
24 Energy, one of the first meetings I attended Melinda was  
25 describing the new HR organization to the HR team, and

1 in this meeting Jeff Fralix did not have a role. I  
2 think that's when he was in the talent, global talent  
3 advisor role, and he didn't have a position, and she  
4 started crying, because --

5 Q. Melinda Reeves started crying?

6 A. Yes, because, you know, her friend, dear Jeff,  
7 was not --

8 Q. I'm sorry, her friend what?

9 A. Dear Jeff, our friend, dear Jeff, was not going  
10 to be with the organization anymore. Then a role opened  
11 up miraculously, and he got another job. But prior to  
12 that he supported a group that I sat next to, and they  
13 would turn and ask -- the vice president would ask me  
14 questions, and I would say well, you know, you should  
15 talk to Jeff. And they would say well, I have, I  
16 haven't heard from him or he's unresponsive.

17 And so there was a -- he had a reputation of  
18 being unresponsive and -- what is the word --  
19 superficial, so so, just did the bare minimum.

20 So then when the vice president of HR role was --  
21 came open, again, he was going to be without a job, and  
22 then he was the successful candidate for the role.

23 Q. And you think he was successful because he was  
24 friends with Melinda Reeves?

25 A. Yes. They had worked together at USAA for years.

1 They carpooled together.

2 Q. So she knew him?

3 A. Yes.

4 Q. Do you have any information about Jeff Fralix's  
5 experience in HR throughout his career before Direct  
6 Energy?

7 A. No.

8 Q. Do you know what roles he had at Direct -- well,  
9 do you know when he started at Direct Energy?

10 A. I don't recall, no.

11 Q. Was it before you did or after?

12 A. Yes, before I did, yes.

13 Q. Okay. And do you know what roles he had  
14 throughout his tenure at Direct Energy before you  
15 started there?

16 A. No.

17 Q. Have you described for me all of the reasons that  
18 you think Jeff Fralix was not qualified for the VP of HR  
19 role?

20 A. Yes.

21 Q. Okay. After your meeting with Melinda Reeves --  
22 and I'm sorry, I asked this, but just to follow up, did  
23 you all have any plans to -- you and Melinda Reeves to  
24 follow up after that meeting?

25 A. Not that I recall.

1 Q. Okay. Did you all actually follow up regarding  
2 anything that you discussed during that meeting?

3 A. Not that I recall, no.

4 Q. Excuse me. When she made the comment that she  
5 couldn't trust you, did you tell her that -- well, did  
6 that comment offend you?

7 A. Absolutely.

8 Q. Did you tell her that it offended you?

9 A. Melinda was not the kind of person you could say  
10 that to.

11 MS. WILLIAMS: Objection, nonresponsive.

12 Q. Did you tell her that it offended you?

13 A. I did not tell her it offended me.

14 Q. Okay. Did you tell anyone that what she said  
15 offended you?

16 A. Yes.

17 Q. Who did you tell?

18 A. Jonathan Phillips.

19 Q. This is in employee relations?

20 A. Yes, employee relations director.

21 Q. Okay. When did you tell Jonathan Felix?

22 A. Phillips?

23 Q. Phillips, I'm sorry.

24 A. That's all right. Excuse me. I don't remember  
25 the exact day or time. Must have been late 2017.



1       Q.   How long after your meeting with Melinda Reeves  
2   did you talk to Jeff -- I'm sorry, Jonathan Phillips  
3   about your conversation with her and that you --  
4   expressing that you were offended by what she said?

5       A.   I don't recall exactly how long it was  
6   afterwards.

7       Q.   I mean, did you go to him immediately?

8       A.   No.

9       Q.   Why not?

10      A.   I wanted to process it and make sure that I was  
11   being thoughtful about it and not overreacting, just  
12   to --

13      Q.   Okay.   So approximately how long did it take you  
14   to be thoughtful about it before you went to Jonathan  
15   Phillips to tell him that you were offended by what  
16   Melinda Reeves said?

17      A.   I don't recall exactly.   I would say probably  
18   within two to four weeks.

19      Q.   Did Melinda Reeves do anything to you in those  
20   two to four weeks that added to the concerns that you  
21   had?

22      A.   No.

23      Q.   And when you went to Jonathan Phillips two to  
24   four weeks later, did you -- did you call him, did you  
25   meet with him in person, did you email him, which one,

1 or --

2 A. We --

3 Q. -- all of the above?

4 A. We met in person.

5 Q. Did he office in the same building with you?

6 A. Yes.

7 Q. And you scheduled a meeting with him?

8 A. I don't believe I scheduled one, no.

9 Q. Okay. And so tell me about your meeting with  
10 him.

11 A. We went for a walk and ended up sitting in the  
12 lobby of one of the -- the Greenway plaza buildings.

13 Q. Uh-huh. Did he know what -- in advance what you  
14 were coming to talk to him about?

15 A. No, I don't believe so.

16 Q. Okay. And just for timing purposes so I can make  
17 sure, if your meeting with Melinda was sometime in  
18 mid-August, --

19 A. Uh-huh.

20 Q. -- your meeting with Jonathan Phillips was  
21 sometime late August to mid-September; is that right?

22 A. As best I can recall.

23 Q. Is it possible it was a little bit later?

24 A. It's possible.

25 Q. Okay. And so you met in the lobby -- was anyone

1 else present when you met with Jonathan Phillips in the  
2 lobby of Greenway Plaza?

3 A. No.

4 Q. And what did you tell him?

5 A. I shared the exchange I had with -- with Melinda.

6 Q. And what did he say?

7 A. That he was obligated to report it.

8 Q. Did you agree that he was obligated to report it?

9 A. Yes.

10 Q. Did you think you were obligated to report it?

11 A. Yes.

12 Q. Did you -- before you went to Jonathan Phillips,  
13 had you reported this to anyone else?

14 A. No.

15 Q. And when he told you he was obligated to report  
16 it, what was your reaction?

17 A. I was concerned, because I knew that although I  
18 share -- I tell like the clients I support that they  
19 should use the investigation and complaint line, I had  
20 never used it myself, and I was truly concerned that --  
21 of the reaction that Melinda would have.

22 Q. Did you have the ability to make a complaint  
23 through the ethics line if you wanted to?

24 A. Yes.

25 Q. Okay. You chose not to do that?

1 A. Yes.

2 Q. For what reason?

3 A. I would have been easily identified. So --

4 Q. Is there a way to make an anonymous complaint?

5 A. It would have been anonymous, but to the facts  
6 that I would have been relaying would have clearly  
7 pointed back to me.

8 Q. Okay. Did you tell him that you were concerned  
9 for those reasons?

10 A. Yes.

11 Q. And what did he say?

12 A. He understood why I'd be concerned.

13 Q. And then what -- what did you all decide?

14 A. He went and filed the complaint.

15 Q. Was that the extent of your conversation with  
16 him?

17 A. I believe so, yes.

18 Q. Okay. How did -- how did he file the complaint?

19 A. I'm not certain.

20 Q. And after he filed the complaint, what happened  
21 next?

22 A. Shortly thereafter I was connected to -- I don't  
23 know her specific role, but she was someone who asked  
24 questions about the complaint.

25 Q. Like an investigator?

1 A. Yes. Yes. It was external to the company.

2 Q. Okay.

3 A. Uh-huh.

4 Q. So you met with an investigator related to your  
5 complaint?

6 A. Yes.

7 Q. Did you ever see the complaint that Jonathan  
8 Phillips submitted?

9 A. No.

10 Q. Okay. Did the -- based on your interactions with  
11 the investigator, did she have an understanding as to  
12 what your complaint was?

13 A. It seems as -- yes.

14 Q. And you said you think the investigator was  
15 external to the company. Do you recall her name?

16 A. No, I don't recall her.

17 Q. How many times did you meet with the  
18 investigator?

19 A. Once.

20 Q. In person or over the phone?

21 A. In person.

22 Q. And the investigator asked you questions related  
23 to your complaint; is that right?

24 A. Yes.

25 Q. And did you give her all of the -- were you able

1 to share with her all of the information you had related  
2 to your complaint?

3 A. Yes.

4 Q. Did she prevent you in any way from sharing all  
5 of the information that you had regarding the complaint?

6 A. No.

7 Q. Okay. Do you know if the investigator met with  
8 anyone else --

9 A. I don't --

10 Q. -- related to your complaint?

11 A. I do not know.

12 Q. Did the investigator, excuse me, ever follow up  
13 with you by phone to ask you any follow-up questions  
14 after -- or to meet with you by phone for any reason  
15 related to your complaint after you met with her in  
16 person?

17 A. No.

18 Q. Okay. And is there anything that you experienced  
19 during your interactions with the investigator that led  
20 you to believe that she was not taking your complaint  
21 seriously and gathering all of the information to -- to  
22 review your complaint?

23 A. No.

24 Q. Do you know what happened at the -- I assume you  
25 know the investigation concluded at some point, right?

1       A.   Yes.

2       Q.   Do you know when that was?

3       A.   No.

4       Q.   Do you know about how long between the time you  
5 met with Jonathan and he submitted the complaint and  
6 then the time the investigation concluded?

7       A.   I don't recall.

8       Q.   Okay.   How -- do you know how long it was between  
9 the time you met with Jonathan and the time he actually  
10 submitted your complaint?

11      A.   I don't know.

12      Q.   Other than the investigator, did you meet with  
13 anyone else regarding your complaint against Melinda?

14      A.   No.

15      Q.   And I should clarify that.   Other than Jonathan  
16 Phillips and the investigator, --

17      A.   Okay.

18      Q.   -- did you meet about anyone else regarding your  
19 complaint against Melinda Reeves?

20      A.   No.

21      Q.   At some point did you learn the results of the  
22 investigation?

23      A.   Yes.

24      Q.   From whom?

25      A.   Jonathan and Sidney.

1       Q. And this is the conversation we discussed  
2 earlier, correct?

3       A. Yes.

4       Q. And they -- what did they inform you about the  
5 results of the investigation?

6       A. That there was -- I don't -- I forgot their exact  
7 words, but basically that nothing was going to happen.  
8 And I told them that this is my fear from the beginning,  
9 and now I have to continue to work in this environment.  
10 I was in tears. I was upset. It was a clear glass. I  
11 was embarrassed.

12       Q. When you told them you had to continue to work in  
13 the environment, what environment are you talk -- are  
14 you referring to?

15       A. An environment where Melinda would have oversight  
16 into my career.

17       Q. After this complaint, did Melinda ever do  
18 anything else to you that you thought was discriminatory  
19 based on your race?

20       A. No.

21       Q. After this complaint, did Melinda ever do  
22 anything else to you that you thought was discriminatory  
23 based on your age?

24       A. Not that I know of.

25       Q. After this complaint, did Melinda ever



1 communicate in a way with you that you thought was  
2 derogatory or offensive?

3 A. No.

4 Q. With respect to the VP of HR role, is Melinda the  
5 only person that you think discriminated against you  
6 with respect to that role, or were there others  
7 involved?

8 A. She was the only one.

9 Q. Okay. And so Jonathan and Sidney, you've  
10 explained to them your fears and you were embarrassed.  
11 What else happened during that meeting?

12 A. I asked for a copy of the complaint and the  
13 investigation. I was told I couldn't have it, and  
14 I ended up leaving. I was really upset. I was in  
15 tears, and people are sitting outside, and there's  
16 glass, so I was -- I just left.

17 Q. You left for the day?

18 A. I don't know. Probably. I know I left -- I  
19 walked out of there.

20 Q. Okay. When you asked for the complaint and the  
21 investigation, in your experience as an HR professional  
22 at Direct Energy was it typical that the -- that  
23 complaints and investigation reports would not be  
24 distributed?

25 A. I'm trying to think of a time when I -- yeah,

1 right, no.

2 Q. That was normal, correct?

3 A. Yes.

4 Q. Okay. So them not giving you the complaint or  
5 the investigation wasn't anything unusual under the  
6 company's policies and procedures, correct?

7 A. Right.

8 Q. Okay.

9 A. I did want them to provide me a written summary  
10 or written like say an outcome of it. That's what I --  
11 I wanted something in writing to say that it had been  
12 investigated and this was their outcome. So I could  
13 have gotten that.

14 Q. They did not give you a summary, either?

15 A. No.

16 Q. Okay. But in your experience as an HR  
17 professional, investigation reports are generally not  
18 distributed?

19 A. Yes.

20 Q. That's -- that's correct, right?

21 A. Yes.

22 Q. Okay. Okay. And so you left. I think earlier  
23 you testified that you had some discussion with Jonathan  
24 and Sidney about you wanting to leave the company.

25 A. Yes.

1 Q. Okay. When did that discussion take place?

2 A. As a part of that meeting.

3 Q. The same meeting before you left --

4 A. Yes.

5 Q. -- that meeting?

6 Okay. And neither one of them told you that you  
7 had to leave, correct?

8 A. Correct.

9 Q. In fact, up until the reorganization in 2019  
10 where you applied for and did not get the roles, nobody  
11 ever told you you had to leave the company, right?

12 A. Correct.

13 Q. Okay. And when you told them that you wanted to  
14 leave the company, they seemed to be, based on what you  
15 described, supportive of that, yes?

16 A. Ask the question again. I'm sorry.

17 Q. When you told them that you wanted to leave the  
18 company --

19 A. Yes.

20 Q. -- they were supportive of that?

21 A. Yes, if that's what I wanted to do.

22 Q. But they weren't commanding it, right?

23 A. Correct.

24 Q. Okay. And so when did you -- what did -- what  
25 was their response when you told them you wanted to

1 leave the company?

2 A. They could understand and, you know, figure out a  
3 way to help make that transition. So --

4 Q. Okay. And did they, in fact, try to help to make  
5 the transition?

6 A. Like I said, I was offered a severance package.

7 Q. Was that them trying to help you make the  
8 transition?

9 A. I don't think so, but that's what was offered,  
10 yes.

11 Q. Why do you think they were not trying to help you  
12 when they offered the severance?

13 A. Because I explained how because of my skills and  
14 qualifications and my experience within the industry  
15 that it was going to take me longer than two, three  
16 months to find another role that was commensurate with  
17 my skills and experience.

18 Q. So it was the part -- the part of the package  
19 that you had an issue with was the fact that you would  
20 not be given enough time to look for new employment?

21 A. Correct.

22 Q. Okay. And how much time were they offering you?

23 A. I don't specifically recall. It feels like it  
24 was two, three months, something like that.

25 Q. Okay. So they offered you two to three months to

1 find new employment. You wanted more, correct?

2 A. Yes. I don't recall exactly how many months,  
3 what was offered, but, yes, --

4 Q. Okay.

5 A. -- it wasn't -- it did not match what I thought I  
6 needed to make the transition.

7 Q. And so you made the decision to stay on at Direct  
8 Energy as a result of that, correct?

9 A. I made the decision to stay on and to -- and to  
10 try to find other employment, yes.

11 Q. Okay. Were you actively looking for other  
12 employment from that point on?

13 A. Yes.

14 Q. Until the time you actually left Direct Energy?

15 A. Yes.

16 Q. Were you ever successful in getting another  
17 position that you applied for?

18 A. No.

19 Q. Okay. How many positions do you -- did you apply  
20 for when you were actively looking to leave Direct  
21 Energy?

22 A. I don't recall.

23 Q. Roughly?

24 A. I -- I have -- I can't even do a rough. I do not  
25 recall that one.

1       Q. Were you pretty engaged, though, in the process  
2 of looking for other employment?

3       A. No.

4       Q. Okay.

5       A. I'd say I was minimal -- minimally engaged --

6       Q. Okay.

7       A. -- at that time.

8       Q. But you did submit applications for other  
9 positions at other companies?

10      A. Yes.

11      Q. Okay. And none of those were successful?

12      A. Yes.

13      Q. Okay. So after you learned about the results of  
14 the investigation and the severance process didn't work  
15 out, --

16      A. Uh-huh.

17      Q. -- you continued on in your role as HR business  
18 partner, correct?

19      A. Correct.

20      Q. And you were, at that point, reporting to Jeff  
21 Fralix now?

22      A. Yes.

23      Q. Okay. When did you start reporting to Jeff  
24 Fralix?

25      A. When he started in the role. So -- I'd say --

1 Q. That would have been -- I'm sorry.

2 A. -- early 2018.

3 Q. Do you have any complaints about how Jeff Fralix  
4 treated you when he was -- when you were reporting to  
5 him?

6 A. No.

7 Q. Did he ever do anything to you that you think was  
8 discriminatory based on your race?

9 A. I do.

10 Q. Okay. What -- what did he do that you think was  
11 discriminatory based on your race?

12 A. It was -- we were -- we were having an all-hands  
13 meeting, and before the meeting he told me that he  
14 wanted me to not be Shea and that he said he was doing  
15 it for my own good and basically just wanted me to  
16 attend the meeting and be quiet.

17 Q. When was this?

18 A. January 2018.

19 Q. January 2018?

20 A. January, whenever the all-hands meeting was.

21 So -- it was prior to that. I'm sorry.

22 Q. I'm sorry, I'm just -- you said --

23 A. January 2018.

24 Q. So this would have been about the time that he  
25 became your -- your supervisor?

1       A. Whenever, yeah, I don't recall the exact time of  
2 the meeting, but it was the -- it might have been March.  
3 Sometime, I think, early 2018.

4       Q. Of 2018. Okay.

5       A. Yeah.

6       Q. And why do you think that was discriminatory  
7 based on your race?

8       A. So often, as a black woman, we are told to tone  
9 it down and to not be ourselves, and that was just  
10 another time. That was what I remember.

11      Q. Did he mention your race in this discussion?

12      A. No.

13      Q. Did -- did Jeff Fralix ever bring up your race in  
14 any discussions you had with him?

15      A. Not that I recall.

16      Q. This was your interpretation of what he said, you  
17 think it was about your race?

18      A. It was another instance of the systemic racism  
19 that exists, yes.

20           MS. WILLIAMS: Objection, nonresponsive.

21      Q. This was your interpretation of what he said?  
22 You think that he is talking about your race, that was  
23 your interpretation, right?

24      A. Yes.

25      Q. Okay. Did you report this to anyone?



1       A. No, because I reported something similar and  
2 nothing had been done.

3           MS. WILLIAMS: Objection, nonresponsive after no.

4       Q. But I guess I'll follow up. You said nothing had  
5 been done. They did actually investigate your complaint  
6 against Melinda Reeves, right?

7       A. Yes.

8       Q. Okay. You were not happy with the results of the  
9 investigation, right?

10      A. I don't -- I don't know what the results were.

11      Q. Well, you said they told you nothing was going to  
12 be done or they didn't find anything wrong.

13      A. They told me nothing was going to be done,  
14 correct.

15      Q. Okay. But you said they didn't do anything.  
16 They actually did investigate, right?

17      A. They did investigate.

18      Q. Okay. And so you knew at least if you made a  
19 report that the company would investigate it, right?

20      A. Yes.

21      Q. And you made the decision not to report this  
22 comment that you say Jeff Fralix made sometime in the  
23 early part of 2018, correct?

24      A. Yes.

25      Q. Okay. Did Jeff Fralix do anything else to you

1 that you believe reflects, you know, race discrimination  
2 against you?

3 A. No.

4 Q. Did he ever treat you unfairly in terms of how he  
5 evaluated you as a supervisor?

6 A. I believe so.

7 Q. In what respect?

8 A. I didn't get a raise for years, and although I  
9 was rated highly and thought of -- well respected across  
10 my peers as well as the business leaders, and, yeah,  
11 I've -- I -- I was -- just didn't get a raise for years  
12 and --

13 Q. When you say for years, what are -- what are you  
14 talking about?

15 A. At least two years, maybe even three by the  
16 time -- yeah.

17 Q. Under -- when Jeff Fralix was supervising you or  
18 throughout your employment?

19 A. No, I received a raise the first -- my first full  
20 year there, yes.

21 Q. Okay. Who was your supervisor then?

22 A. Kristin.

23 Q. And then your second full year there -- so we're  
24 talking about 2016 was your first full year, right?

25 A. So that would have been in 2017 -- hold on. I

1 started 2015. Then I would have worked -- it would have  
2 been in 2017.

3 Q. Your first full year would have been 2016, right?

4 A. But I started late in 2015. So I wouldn't have  
5 qualified for --

6 Q. Right, but I guess you would have been  
7 evaluated -- the first year --

8 A. Yes.

9 Q. -- that you would have been evaluated would have  
10 been 2016, correct?

11 A. Yes, correct.

12 Q. And you would have gotten -- I think what you're  
13 saying is you would have gotten a raise in 2017 based on  
14 your performance in 2016, correct?

15 A. Right.

16 Q. Okay. In 2016 you were reporting to Kristin  
17 Johnson, right?

18 A. Yes.

19 Q. Okay. For the year 2017 to whom were you  
20 reporting?

21 A. Oh, was it -- maybe it was Zandra between there.

22 Q. And you --

23 A. Yes, Zandra, yes.

24 Q. Okay. And then 2018, for that year, Jeff  
25 Fralix -- you would have been reporting to Jeff Fralix,

1 correct?

2 A. Yes.

3 Q. And you would have continued reporting to Jeff  
4 Fralix effectively until the time you left?

5 A. Yes.

6 Q. Okay. And you said you received a raise for the  
7 year 2016 when you were reporting to Kristin Johnson; is  
8 that right?

9 A. Yes.

10 Q. And did you receive a raise when you were  
11 reporting to Zandra in the year 2017?

12 A. That would have been effective, what, 2018? No.

13 Q. And did you receive a raise when you were  
14 reporting to Jeff Fralix for the year 2018?

15 A. No.

16 Q. Okay. And is it your testimony that it was race  
17 discrimination when you did not get a raise under Jeff  
18 Fralix in 2018?

19 A. I thought that your question was did I -- did he  
20 treat me unfairly.

21 Q. Okay. Was it unfair that he didn't give you a  
22 raise based on your performance in the year 2018?

23 A. Yes.

24 Q. Do you think that that was based on your race?

25 A. I don't know what it was based on.

1 Q. Okay. Are you claiming in this lawsuit that it  
2 was based on race?

3 A. No.

4 Q. Okay. And when you say you didn't get a raise,  
5 describe that to me. So you had a base salary at Direct  
6 Energy, correct?

7 A. Uh-huh.

8 Q. And what were you eligible for based on your  
9 performance at the company?

10 A. It could vary depending on what the budget was.

11 Q. Okay. So your base compensation could be  
12 increased based on your performance and -- and budget?

13 A. Yes.

14 Q. Did you -- were you eligible for any bonuses or  
15 other payments based on your performance and company  
16 performance?

17 A. Yes.

18 Q. What were those?

19 A. The -- what was it called incentive on --

20 Q. Uh-huh. The incentive --

21 A. On Track.

22 Q. -- plan?

23 A. Yeah, the --

24 Q. Okay.

25 A. -- incentive plan, yeah.

1 Q. Okay. And --

2 A. That's it. That's all.

3 Q. Throughout your employment, did you receive  
4 payment through the On Track incentive program?

5 A. Yes.

6 Q. Including under Jeff Fralix?

7 A. Yes.

8 Q. Okay. You received performance evaluations  
9 throughout your employment?

10 A. Yes.

11 Q. Do you recall what ratings you received?

12 A. I received satisfactory ratings with the  
13 exception of the last one where I received exceptional  
14 rating.

15 Q. So the first -- for -- for your performance in  
16 2016 you got a satisfactory rating, correct?

17 A. Yes.

18 Q. And for your performance in 2017 you got a  
19 satisfactory rating, correct?

20 A. Yes, I believe so.

21 Q. And then for your performance in 2018, which was  
22 the last full year that you worked for the company -- I  
23 understand you were still there in 2019, but you didn't  
24 complete a full year, correct?

25 A. [Witness moving head up and down]

1 Q. So your last full year was 2018. You received an  
2 exceptional rating?

3 A. Yes.

4 Q. And who did you get that rating from?

5 A. From Jeff Fralix.

6 Q. Okay. Did you think he was treating you unfairly  
7 when he rated you as exceptional in 2018?

8 A. No. I earned that rating.

9 Q. Okay. So he was fair in assessing your  
10 performance?

11 A. Yes.

12 Q. Okay. Did you think that Kristin and Zandra were  
13 treating you unfairly when they gave you lower  
14 performance ratings than Jeff did?

15 A. It was a matter of my tenure and a practice that  
16 Direct Energy had that even if you performed  
17 exceptionally well, if you were new you did not get the  
18 exceptional ratings. You would get the -- the standard  
19 rating.

20 Q. So is your answer no? Do you think that Kristin  
21 and Zandra treated you unfairly when they --

22 A. No.

23 Q. -- gave you the satisfactory rating?

24 A. No, I don't.

25 Q. Okay. Other than what you described about Jeff

1 Fralix and then the complaint you had against Melinda  
2 Reeves, --

3 A. Uh-huh.

4 Q. -- did anyone else discriminate against you based  
5 on your race at Direct Energy?

6 A. No.

7 Q. And the comment that Jeff made about you not  
8 being Shea and being quiet, do you think that was based  
9 on your age or just based on your race?

10 A. My race.

11 Q. Okay. Why don't we do this. Mark this.

12 [Exhibit 3 marked, Your On Track Incentive Plan  
13 documents]

14 A. Thank you. Who can read this little biddy  
15 writing? There we go. Now we can read it.

16 MS. WILLIAMS:

17 Q. Do you recognize these documents?

18 A. Yes.

19 Q. Okay. Can you describe for us what these  
20 documents are?

21 A. It is a description of the Centrica On Track  
22 program for each year for level 6 for 2017 -- excuse me,  
23 two thousand -- yeah, wait, 2016 and through the time  
24 that I left.

25 Q. Okay. And the documents are Bates labeled Direct



1 Energy 77 through 83; is that right?

2 A. 83, correct.

3 Q. Okay. And just for further clarification for the  
4 record, for the year 2016 you have the On Track  
5 incentive plan followed by a letter dated in 2017  
6 related to your 2016 performance, correct?

7 A. Correct.

8 Q. And then there is a 2017 On Track incentive plan  
9 document followed by a letter dated in 2018 regarding  
10 your 2017 performance, correct?

11 A. Correct.

12 Q. And then finally there is a 2018 On Track  
13 incentive plan document followed by a letter dated in  
14 2019 regarding your 2018 performance, correct?

15 A. Correct, yes.

16 Q. Okay. And these documents would indicate that --  
17 what your performance rating was, correct?

18 A. Correct.

19 Q. Your salary review, correct?

20 A. Correct.

21 Q. A lump sum payment you received, correct?

22 A. Yes.

23 Q. And then your OTIP award, correct?

24 A. Correct.

25 Q. All right. If you'll look at page -- the second

1 page of Exhibit 3, the one that's Bates numbered 78.

2 A. Correct.

3 Q. So this is -- 2016 was your first full year,  
4 correct?

5 A. Correct.

6 Q. All right. And it looks like under salary review  
7 it indicates that Zandra is informing you that your  
8 annual gross salary remain unchanged, right?

9 A. Yes.

10 Q. Okay. So for 2017, based on your 2016  
11 performance, you did not get a change in your gross  
12 salary, correct?

13 A. Correct.

14 Q. You did receive a lump sum award, yes?

15 A. Correct.

16 Q. And you also received an OTIP award?

17 A. Correct.

18 Q. Okay. And then if we'll move on to the document  
19 that's marked Bates number Direct Energy 80 --

20 A. Okay.

21 Q. Okay? It has your performance rating there?

22 A. Yes.

23 Q. And it also has salary review, correct?

24 A. Yes.

25 Q. And it shows there that your annual salary

1 remained -- remained unchanged at 153?

2 A. Yes.

3 Q. Correct?

4 A. Yes, correct.

5 Q. And then you received a lump sum award?

6 A. Yes.

7 Q. And you also received an OTIP award?

8 A. Yes.

9 Q. Okay. And then finally for 2018 it shows that  
10 your performance rating on the document that's Direct  
11 Energy 82?

12 A. Correct.

13 Q. And it also indicates that your annual salary  
14 remain unchanged?

15 A. Yes.

16 Q. And that you got a lump sum award?

17 A. Yes.

18 Q. And an OTIP award?

19 A. Yes.

20 Q. And it looks to me like the lump sum award you  
21 got in 2019 based on your performance in 2018 was the  
22 highest lump sum award you'd ever gotten during your  
23 tenure at the company, correct?

24 A. Yes.

25 Q. And the OTIP award you got was also the highest

1 OTIP award you got during your tenure at the company,  
2 correct?

3 A. Correct.

4 Q. And that was under Jeff Fralix?

5 A. Yes.

6 Q. Okay.

7 A. We're done with this one?

8 Q. Yeah, you can leave it -- yeah.

9 A. Okay. All right.

10 Q. I don't know if we'll visit it later, but --

11 A. Okay. Okay.

12 Q. -- it's fine there, thank you.

13 Okay. And, I'm sorry, I asked you there was no  
14 one else that you're alleging discriminated against you  
15 based on your race other than Melinda Reeves and Jeff  
16 Fralix, correct?

17 A. Correct.

18 Q. And there's no one -- who are you claiming  
19 discriminated against you based on your age?

20 A. Jeff Fralix.

21 Q. Did Melinda Reeves discriminate against you based  
22 on your age?

23 A. Not -- no.

24 Q. Okay. So you are not claiming that the decision  
25 she made regarding the VP of HR role was based on your

1 age?

2 A. No.

3 Q. You're not making that claim?

4 A. No.

5 Q. Okay. How did Jeff Fralix discriminate against  
6 you based on your age?

7 A. Through the interview process and the selection  
8 of Angie Moore.

9 Q. For what position?

10 A. The HR director position.

11 Q. What did he do through the interview process that  
12 you think was discriminatory based on your age?

13 A. It was ultimate selection of someone who was less  
14 qualified.

15 Q. But what makes you think that that was based on  
16 your age?

17 A. I don't know.

18 Q. Because you admitted earlier you have no idea how  
19 old Angie Moore is, correct?

20 A. Correct.

21 Q. Okay. And if it turns out that she is the same  
22 age as you, it would be very difficult for you to  
23 maintain that he discriminated against you based on your  
24 age with respect to the HR director position, right?

25 A. Yes.

1       Q.   Okay.  Did -- did Jeff Fralix do anything else to  
2   you to discriminate against you based on your age other  
3   than the selection for the HR director role?

4       A.   No.

5       Q.   What is Angie Moore's industry experience?

6       A.   I don't know.

7       Q.   You don't know?

8       A.   No.

9       Q.   What is your evidence that she was not qualified  
10  for the HR director role?

11      A.   She doesn't have as much experience as I do.

12      Q.   How do you know that?

13      A.   Because in our conversations she doesn't have as  
14  much experience as I do.  Nor were her experiences as  
15  extensive as mine, and the feedback that even Jeff  
16  provided about her feedback from clients and that I  
17  personally heard from clients as well as conversations  
18  Jeff had had.  Yeah, she wasn't near as qualified as I  
19  was.

20      Q.   Okay.  What is her industry experience that makes  
21  you think that she was not -- she did not have  
22  sufficient qualifications?

23      A.   I don't recall.

24      Q.   Do you know how many years of experience she has  
25  in the industry performing HR work?

1       A.  No.  No, --

2       Q.  Okay.

3       A.  -- no, no.

4       Q.  You don't know if it's more or less than you,  
5 correct?

6       A.  To the best of my belief, it is less than what I  
7 have.

8       Q.  What do -- that's your belief, right?

9       A.  Right.

10      Q.  You don't have any actual evidence or information  
11 that she has less experience in the industry than you  
12 do, correct?

13      A.  Correct.

14      Q.  Okay.  Since you don't have that information,  
15 what is the basis of your claim then that she was not  
16 qualified for the position?

17      A.  Based on my conversations with her, understanding  
18 her background, as well as working with her.

19      Q.  How often did you work with Angie Moore?

20      A.  Practically every day.

21      Q.  Did you all collaborate together, or did you all  
22 have separate responsibilities?

23      A.  We were peers.

24      Q.  And so did you all work on projects together for  
25 the same client groups, or did she have her

1 responsibilities for her client groups and you had your  
2 responsibilities for your client group?

3 A. We had different client groups.

4 Q. Okay. What did she say to you that led you to  
5 believe that -- about her background that led you to  
6 believe she wasn't qualified for the HR director role?

7 A. I don't specifically recall.

8 Q. So sitting here today, you can't tell us any  
9 information that she shared with you that led you to  
10 believe that she didn't have enough experience to  
11 qualify for the HR director role?

12 A. Correct.

13 Q. Okay. If you have previously stated that she  
14 actually did have experience, would that be correct or  
15 incorrect?

16 A. I'm sorry, ask the question again.

17 Q. If you -- in connection with this lawsuit, --

18 A. Right.

19 Q. -- if you have previously stated that --

20 A. Yes.

21 Q. -- Angie Moore actually did have experience for  
22 the role, --

23 A. Okay.

24 Q. -- would that -- would that statement have been  
25 incorrect or correct?



1       A. I don't know under what context I would have said  
2       that she was as qualified as I was for the role.

3       Q. Okay. Well, I didn't ask you whether she was as  
4       qualified as you were. I was asking you whether or not  
5       she was not qualified and whether there was anything  
6       that led you to believe she didn't have experience for  
7       the role. And you said that based on what she shared  
8       with you about her background led you to believe she  
9       wasn't qualified for the role, right?

10      A. That she did not have -- yeah, right.

11      Q. Okay.

12      A. That she didn't have as much experience as I did.

13      Q. Okay. But if you previously said that she did  
14      have "decent experience," --

15      A. Uh-huh.

16      Q. -- would that have been accurate or inaccurate?

17      A. I could -- yeah, she -- she has decent  
18      experience, yes.

19      Q. Okay. And so would that decent experience have  
20      qualified her for the HR director role?

21      A. Not as qualified as I was.

22      Q. I'm not asking you as qualified. I'm asking you  
23      whether or not it is your opinion that she was not  
24      qualified at all. Because I think you've testified  
25      earlier that she wasn't qualified at all. And so I'm

1     trying to get some clarification. Is it your position  
2     that she was not qualified at all for the role?

3         A. I could not say that she was not qualified at  
4     all. She had some qualifications --

5         Q. You think --

6         A. -- for the role.

7         Q. -- that you were better qualified?

8         A. I think I was better qualified.

9         Q. And you're basing that, even though you have no  
10     information about what her specific qualifications are,  
11     correct?

12         A. Correct.

13         Q. Okay. Did you go through -- well, did you go  
14     through an interview process for the HR director role?

15         A. I did.

16         Q. Let me back up and actually let's kind of add  
17     some context here. Between 2018 when Jeff Fralix became  
18     your supervisor --

19         A. Yes.

20         Q. -- and 2019 --

21         A. Yes.

22         Q. -- it is my understanding that there was some  
23     ongoing reorganization within Direct Energy; is that  
24     right?

25         A. It was always reorganizing, yes.

1       Q.   Okay.  They were always reorganizing through the  
2       time that you were there?

3       A.   It seems like it, yeah.

4       Q.   Okay.  Was the 2019 reorganization the only one  
5       that ever impacted your position?

6       A.   Yes.

7       Q.   What is your understanding about the  
8       reorganization that occurred in 2019?

9       A.   There -- they were eliminating the HR business  
10      partner roles and implementing a more process-focused HR  
11      structure.

12      Q.   So did that reorganization impact only you?

13      A.   No.

14      Q.   Who did it impact?

15      A.   Several people.

16      Q.   What do you mean by several?

17      A.   It impacted the entire HR organization.

18      Q.   So your position was not the only position that  
19      was being eliminated as a part of the 2019  
20      reorganization, correct?

21      A.   Correct.

22      Q.   Do you think that there was anything about the  
23      2019 reorganization related to your role and the impact  
24      on your role that was discriminatory?

25      A.   No.

1       Q. How did you learn about the reorganization that  
2 occurred in 2018? I'm sorry, 2019.

3       A. I don't remember the exact method, but either  
4 emails, team meetings.

5       Q. Did you have any questions or concerns when you  
6 learned about the reorganization?

7       A. Yes.

8       Q. Okay. And did you go to anyone to express those  
9 questions and concerns?

10      A. Yes.

11      Q. Who did you go to?

12      A. I asked questions during the meetings. I wanted  
13 to know what the process was going to be, and I was  
14 informed that the process hadn't been outlined.

15      Q. Who informed you of that?

16      A. It was a joint meeting of either Jonathan  
17 Phillips or Jeff was -- was leading it.

18      Q. Okay. Did they answer your questions  
19 satisfactorily based on the information that was  
20 available at the time?

21      A. No.

22      Q. Okay. What did they not answer that was -- that  
23 was not satisfactory to you?

24      A. How the interview process would be, yeah. What  
25 the interview process would be, interview and selection

1 process, what that would look like.

2 Q. Okay. So let's kind of share -- like expand on  
3 this for the jury. You were notified that there was  
4 going to be a reorganization that impacted the entire HR  
5 organization, correct?

6 A. Correct.

7 Q. And you were informed that roles were being  
8 eliminated, right?

9 A. Yes.

10 Q. Including your role?

11 A. Yes.

12 Q. And that new roles were being created, correct?

13 A. Correct.

14 Q. And that with respect to those new roles, that  
15 candidates would have the opportunity to apply for and  
16 interview for those new roles, correct?

17 A. That candidates would have the opportunity to  
18 apply for the roles. It was not clear if interviews  
19 would be conducted for each and every role.

20 Q. Okay. And did -- were you informed of any  
21 alternatives to applying for those new roles so if you  
22 did not apply for a new role or you didn't want to apply  
23 for a new role were there other options available to you  
24 under the reorganization?

25 A. I'm not understanding your question.

1 Q. So were you required, I guess, to apply for the  
2 new roles that were being created?

3 A. No.

4 Q. Okay. You had the option to leave and not apply  
5 for the new roles, right?

6 A. Yes.

7 Q. If you had opted to leave, were there any  
8 provisions made for employees like yourself who might  
9 have decided not to apply for new roles?

10 A. Yes.

11 Q. What were those?

12 A. Severance options.

13 Q. Okay. And at some point did you get more  
14 clarification on the process? You said during the  
15 meeting with Jonathan and/or Jeff they didn't really  
16 kind of explain the interview process well, but at some  
17 point did you get clarification on that?

18 A. No, not really.

19 Q. Okay. At some point did you learn about the new  
20 roles that were being created?

21 A. Yes.

22 Q. When did you learn about the new roles that were  
23 being created?

24 A. I guess shortly after it was announced.

25 Q. Okay. Before or after this meeting?

1       A. I don't recall.

2       Q. Okay. And so you learned shortly after it was  
3 announced that there would be an HR director role,  
4 correct?

5       A. Yes.

6       Q. And the two HR consulting roles?

7       A. Yes.

8       Q. And when did you make the decision to apply for  
9 the HR director role when you learned that it was --  
10 there was going to be this role?

11      A. With discussions with Jeff.

12      Q. Okay. And then when did you make the decision  
13 that you were going to apply for the HR consultant  
14 roles?

15      A. Same. So after I evaluated the roles, that's  
16 what I thought I would apply for, and in my  
17 conversations with him that made sense to him, too.

18      Q. When -- so this was a separate conversation that  
19 you had with Jeff?

20      A. Uh-huh. We had regular one on ones.

21      Q. And during one of your -- at least one of your  
22 one on one's with Jeff you all discussed kind of what  
23 the HR director and HR consultant roles would entail?  
24 You discussed what those roles would look like?

25      A. They -- we discussed me applying for them.

1 Q. Okay.

2 A. A lot of the details had yet to be outlined.

3 Q. Okay.

4 A. Especially for the HR consultancy roles.

5 Q. Did he discourage you in any way from applying  
6 for those roles?

7 A. No.

8 Q. I'm sorry?

9 A. No.

10 Q. Did he do anything to impede your ability to  
11 apply for those roles?

12 A. No.

13 Q. And then eventually you applied for the roles,  
14 correct?

15 A. Yes.

16 Q. Did you apply for the HR consultant roles at the  
17 same time that you applied for the HR director roles or  
18 was there some kind of lapse in time between the two?

19 A. I believe I applied for all three at the same  
20 time.

21 Q. And did you interview for the HR director role?

22 A. Yes.

23 Q. With whom did you interview?

24 A. Amanda Harrison and Jeff Fralix.

25 Q. Who's Amanda Harrison?



1       A. She was the hiring manager. She sat globally.  
2       So she was on video.

3       Q. Okay. This -- under the reorganization, the HR  
4       director role and the consultancy roles would have  
5       reported ultimately up to Amanda Harrison?

6       A. Yes.

7       Q. Okay. Was she in a role that was sort of  
8       equivalent to what Melinda Reeves had, understanding,  
9       you know, the group had been reorganized a bit, but --

10      A. Yes.

11      Q. Okay.

12      A. Yes.

13      Q. Okay. And how did your interview go for the HR  
14      director role, from your perspective?

15      A. I thought they went well.

16      Q. Did Amanda Harrison say anything to you during  
17      that interview that you found offensive or  
18      discriminatory?

19      A. No.

20      Q. Did Jeff Fralix say anything to you during that  
21      interview that you found offensive or discriminatory?

22      A. No.

23      Q. Do you think Amanda Harrison has done anything to  
24      discriminate against you based on your race?

25      A. No.

1 Q. Do you think Amanda Harrison has done anything to  
2 you to discriminate against you based on your age?

3 A. No.

4 Q. Do you think Amanda Harrison has done anything to  
5 retaliate against you?

6 A. No.

7 Q. Okay. Did you have just one interview for the HR  
8 director role?

9 A. No. No.

10 Q. Okay. How many interviews did you have for the  
11 HR director role?

12 A. I recall two.

13 Q. Do you know who interviewed for the HR director  
14 role?

15 A. I know Angie Moore interviewed and Brittany Smith  
16 interviewed. I'm not sure if anyone else interviewed.

17 Q. Okay. And Angie Moore ultimately got the role?

18 A. Correct.

19 Q. Okay. And you -- and who made the decision to  
20 select Angie Moore for the role?

21 A. I don't know who ultimately made the decision.

22 Q. But you think Jeff Fralix discriminated against  
23 you with respect to the selection of Angie Moore for the  
24 role?

25 A. There was no -- I was more qualified than Angie

1 for the role.

2 Q. Right. So I'm just saying you don't know who the  
3 decision makers are, --

4 A. Right.

5 Q. -- but you think it was Jeff who discriminated  
6 against you with respect to the HR director role?

7 A. I'm -- yes.

8 Q. Okay. How did you learn that Angie Moore had  
9 been selected for the role and that you had not been  
10 selected for the role?

11 A. Jeff came to tell me.

12 Q. Approximately when did you learn in relation to  
13 your interview?

14 A. I think shortly after the -- the last interview.

15 Q. Okay.

16 A. Yes.

17 Q. After your second interview?

18 A. Yes.

19 Q. Okay. And what did he tell you?

20 A. I don't remember the exact words, but the -- the  
21 end result was that Angie had been selected for it.

22 Q. Did you tell him that you thought it was unfair?

23 A. No.

24 Q. Did you tell him that you thought it was  
25 discriminatory?

1 A. No.

2 Q. Did you complain to anyone at the company that  
3 you thought the selection of Angie Moore for the HR  
4 director role was discriminatory?

5 A. No.

6 Q. Did you reach out to Amanda Harrison to talk to  
7 her about the decision at any point?

8 A. No, not that I recall, no.

9 Q. And then did you interview for the consult -- did  
10 you interview for the consultancy roles?

11 A. Yes.

12 Q. And there were two, correct?

13 A. Correct.

14 Q. And they would have been reporting to Angie Moore  
15 in the new HR director role, correct?

16 A. Correct.

17 Q. Did those -- did your interview for the HR  
18 consultancy roles occur after your interview for the HR  
19 director role?

20 A. Yes.

21 Q. And who participated in that interview?

22 A. Angie Moore.

23 Q. It was just Angie Moore?

24 A. Yes.

25 Q. Okay. And how many interviews, excuse me, did

1     you have for the HR consultancy roles?

2         A.   One.

3         Q.   How did the interview go, from your perspective?

4         A.   It seemed like it was a check-the-box exercise  
5     for her.

6         Q.   Why do you think she was just trying -- just  
7     checking the box?

8         A.   Because she had made up her mind about who she  
9     wanted in the roles.

10        Q.   Who do you think she wanted in the roles?

11        A.   Not me.  So it ended up -- it ended up being  
12   Brittany and Chenée.

13        Q.   Do you think that she had a preference for  
14   Brittany and Chenée?

15        A.   Ask your question again.

16        Q.   Do you think that she had a preference to have  
17   Brittany and Chenée in those roles?

18        A.   Yes.

19        Q.   And you think she had that preference even before  
20   she interviewed you?

21        A.   Yes.

22        Q.   Okay.  And why do you think she preferred  
23   Brittany and Chenée?

24        A.   They were younger than I am.

25        Q.   Both of them are younger than you?

1 A. Yes.

2 Q. But you don't know how old Brittany is, correct?

3 A. Correct.

4 Q. And you don't know how old Chenée is, correct?

5 A. Correct.

6 Q. Okay. It's just your subjective belief that they  
7 are younger than you, correct?

8 A. Correct.

9 Q. Okay. If you find out that one or both of them  
10 is actually the same age or close in age to you, would  
11 that change your opinion about Angie Moore preferring  
12 them because they're younger than you?

13 A. Would it change my opinion? Not necessarily.

14 Q. So even though -- even if they -- one or both of  
15 them is the same age as you, you would -- it would still  
16 be your opinion that Angie Moore preferred them because  
17 they're younger than you?

18 A. If one or -- if -- if both of them are the same  
19 age as I am, then that would change my opinion.

20 Q. Okay. If one of them is the same age as you --

21 A. That would not change my opinion.

22 Q. -- you would think that she preferred the person  
23 who's the same age as you because they're younger than  
24 you?

25 A. Based on my qualifications and experience.

1 Neither one of them had a performance rating. They were  
2 brand new to the organization.

3 Q. But --

4 A. So --

5 Q. -- your age doesn't have anything to do with  
6 specific qualifications. So regardless of what the  
7 qualifications are, what would make you think that Angie  
8 Moore preferred a younger worker if she selected someone  
9 who's the same age as you?

10 A. If both of them were the same age, that would  
11 change my opinion.

12 Q. Okay.

13 A. And it just seemed like it was trying to go  
14 towards a younger population. So I'm just -- that's my  
15 belief.

16 Q. Okay. But I'm asking like what would -- what  
17 would be your reason for suing the company for  
18 discriminating against you based on your age if they  
19 selected people who were the same age as you?

20 A. That wouldn't be a -- there wouldn't be a cause  
21 in that situation.

22 Q. Okay. And if you found out, for example, that  
23 one or both of these candidates for the consultancy  
24 position, they were a year or two younger than you, you  
25 would still think that they were being selected based on

1 their age because they're younger than you?

2 A. If both of them were similar in age to me,  
3 then -- then I'd rethink my --

4 Q. Okay.

5 A. -- my claim.

6 Q. All right. And fair enough. So if you find out  
7 with respect to these positions that one or more of  
8 these individuals are actually the same age or close in  
9 age to you, that would cause you to rethink your age  
10 discrimination claim, right?

11 A. Yes.

12 Q. Because, in fairness, if the company selected  
13 somebody for these roles who are the same age or close  
14 in age to you, that would not -- that would suggest that  
15 they weren't treating you differently because of your  
16 age, right?

17 A. That would be -- that would be the suggestion,  
18 correct.

19 Q. Okay. And you would rethink your allegation that  
20 decisions were made based on your age if that is the  
21 case, correct?

22 A. Yes.

23 Q. Okay. And, to confirm, you don't know Angie  
24 Moore's age, right?

25 A. Correct.



1       Q.   Okay.   Okay.   When -- did Angie Moore say  
2 anything to you during the interview that -- for the HR  
3 consultancy roles that led you -- that you found to be  
4 discriminatory?

5       A.   During the interview, no.

6       Q.   Okay.   Did Angie Moore ever say anything to you  
7 that you thought was discriminatory?

8       A.   When she called to inform me that I had not been  
9 selected.

10      Q.   What did she say?

11      A.   She said that -- I asked her -- and the decision  
12 was made rather quickly, because I think I interviewed  
13 with her, and then I'm driving home and she calls, and  
14 it's I just want to let you know that I've decided to,  
15 you know, go with the other two who had entered for the  
16 roles.

17           And I asked her for feedback why, and she says,  
18 you know, that I didn't make eye contact with her  
19 throughout the interview.   And I told her, I said,  
20 that's odd, because I was watching you take notes.  
21 So --

22      Q.   And why do you think that was discriminatory?

23      A.   I think it was just a way for her to -- to -- to  
24 justify why she did not select me.

25      Q.   Based on your -- but you thought it was

1 discriminatory --

2 A. Based on my age.

3 Q. -- based on your age?

4 A. Yeah.

5 Q. Because Cheneé and Brittany are both African  
6 American, right?

7 A. Correct.

8 Q. Okay. So it -- Angie could not have been  
9 discriminating against you based on your race in  
10 connection with her selection of Brittany and Cheneé,  
11 correct?

12 A. Correct.

13 Q. All right. And other than her telling you that  
14 you did not make eye contact with her, did she say  
15 anything else that you thought was discriminatory?

16 A. No.

17 Q. Or do anything else that you thought was  
18 discriminatory?

19 A. No.

20 Q. Did you report this comment to the company or  
21 make a complaint that you thought that Angie Moore was  
22 being discriminatory against you when she made this  
23 complaint?

24 A. No.

25 Q. You've talked and, you know, we've talked a bit

1 about your qualifications and some of your peers'  
2 qualifications. When you're applying for a job, was it  
3 your understanding -- well, when you were applying for  
4 these positions, the VP of HR position, the HR director  
5 position and then the HR consultancy positions, --

6 A. Yes.

7 Q. -- was it your understanding that your  
8 qualifications was a component of the selection  
9 decision?

10 A. Yes.

11 Q. Okay. Was it also your understanding that your  
12 performance during the interview was a component of the  
13 selection decision?

14 A. Yes.

15 Q. Do you know of anything else that might have been  
16 a part of the selection decision?

17 A. Maybe feedback from clients, feedback from  
18 supervisors.

19 Q. And do you -- you think -- I assume you think  
20 it's fair that when you're interview -- applying for a  
21 job that your qualifications would be evaluated,  
22 correct?

23 A. Yes.

24 Q. And do you also think it's fair that your  
25 performance during an interview would also be evaluated

1 to determine whether you're the correct person for a  
2 position?

3 A. Yes.

4 Q. You don't have any issue with -- I understand you  
5 may disagree with them, but you don't have any issue  
6 with Jeff Fralix reviewing your interview performance in  
7 connection with evaluating you for the HR director role,  
8 correct?

9 A. Correct.

10 Q. And you don't have any issue with -- with Angie  
11 Moore evaluating your interview performance in  
12 connection with the selection process for the HR  
13 consultancy roles, correct?

14 A. Correct.

15 Q. Okay. How long have we been going? I'm thinking  
16 maybe we'll take a break.

17 A. Because I'm about to say my Coke Zero's kicking  
18 in.

19 Q. Right.

20 A. So I was like --

21 Q. Okay.

22 A. -- you have maybe one or two more and then I've  
23 gotta --

24 Q. We can take a break.

25 A. Okay.

1 VIDEOGRAPHER: It is 2:11, and we are off the  
2 record.

3 [Recess]

4 VIDEOGRAPHER: It is 2:19, and we are back on the  
5 record.

6 MS. WILLIAMS:

7 Q. Ms. Bible, we've taken a break. Is there  
8 anything you want to add to or change about your  
9 previous testimony since our break?

10 A. No, ma'am.

11 Q. Okay. I want to clarify a couple of things to  
12 make sure that we are all on the same page --

13 A. Yes, ma'am.

14 Q. -- about what -- what you're alleging in your  
15 lawsuit. Do you recall responding to written discovery  
16 in the case where there were some questions asked and  
17 you provided answer to those questions in writing?

18 A. Yes.

19 Q. Okay. And you recall signing a verification  
20 saying that those answers were truthful?

21 A. Yes.

22 Q. Okay. In one of your responses you allege  
23 that -- that you were denied a raise by Jeff Fralix. Is  
24 that true?

25 A. Is --

1 Q. Were you --

2 A. -- the allegation or --

3 Q. Is the -- well, you claim that Jeff Fralix  
4 retaliated against you by not giving you a raise.

5 A. Correct.

6 Q. Is that true?

7 A. Is -- is -- could you rephrase the question? Are  
8 you asking me is that statement in that --

9 Q. Is it true that Jeff -- is it your allegation --

10 A. Okay.

11 Q. -- that Jeff Fralix retaliated against you by not  
12 giving you a raise?

13 A. Yes.

14 Q. It is. Okay. What was he retaliating against  
15 you for when he didn't give you the raise, according to  
16 your complaint?

17 A. Filing a complaint against Melinda.

18 Q. And when did he fail to give you a raise for  
19 filing your complaint against Melinda?

20 A. What was it? 2018 and 2019.

21 Q. In fact, you had not gotten raises prior to that,  
22 correct?

23 A. Yes.

24 Q. And, in fact, 2018, 2019 is the year that Jeff  
25 Fralix gave you an exceeding expectations evaluation?

1       A. Yes, my last rating for him was exceeding.

2       Q. Jeff Fralix gave you that, right?

3       A. Correct.

4       Q. And he also was your supervisor that year when  
5 you got the highest lump sum award you've ever gotten at  
6 the company, correct?

7       A. Yes.

8       Q. And he was also your supervisor when you got the  
9 highest OTIP award you've ever gotten at the company,  
10 correct?

11      A. Yes.

12      Q. Okay. But you think that he was retaliating  
13 against you when he did not give you a raise that year?

14      A. Yes.

15      Q. Okay. And what evidence do you have that Jeff  
16 Fralix knew about your complaint against Melinda Reeves?

17      A. I don't have any.

18      Q. If he did not know about your complaint against  
19 Melinda Reeves, you agree with me it would have been  
20 hard for him to retaliate against you for filing a  
21 complaint against her, right?

22      A. Yes.

23      Q. Okay. And you don't have any evidence sitting  
24 here today that you can offer to the jury that he  
25 actually knew about that complaint when he made

1 decisions about your compensation in 2018 and 2019?

2 A. Yes, correct.

3 Q. Okay. Thank you.

4 A. Yes, correct.

5 Q. So then why are you alleging that he retaliated  
6 against you by not giving you a raise based on your  
7 complaint against Melinda Reeves?

8 A. Based --

9 Q. I mean, if you don't know what he knows, how are  
10 you making the assessment that he did that based on the  
11 complaint?

12 A. Right. I don't know if he knew. I believe he  
13 did know. The -- that HR organization had a really bad  
14 reputation of maintaining secrets and maintaining  
15 confidentialities. And, like said, he and Mel were/are  
16 good friends, worked together. So there's no reason for  
17 me to think that he did not know.

18 And as I asked for a raise and, you know, I  
19 didn't get one, even after like, you know, hadn't had  
20 one in three years.

21 MS. WILLIAMS: Okay. Objection, nonresponsive.

22 A. Oh, that's --

23 MS. WILLIAMS:

24 Q. I'm asking --

25 A. -- fine.



1       Q. -- you what is the basis for your -- I mean, how  
2 do you make the statement that he retaliated against you  
3 by not giving you a raise because of your complaint  
4 against Melinda if you don't actually know that he knows  
5 about that complaint? What -- what is the foundation  
6 and basis of that allegation if you don't know that he  
7 knew about that?

8       A. Yeah, I don't know that he knew.

9       Q. Okay. This is all just your speculation and  
10 belief, correct?

11      A. Correct.

12      Q. And you said you asked for a raise and didn't get  
13 one. Who did you ask for a raise?

14      A. Jeff.

15      Q. When?

16      A. I don't remember exactly when. Must have been  
17 shortly during the -- the merit cycle.

18      Q. Okay. So that would have been when you learned  
19 about it in early 2019?

20      A. I believe I was asking for it through 2018, and  
21 when -- from when he started. I believe I was asking  
22 for it throughout and to have -- to be able to get a  
23 raise, yeah.

24      Q. But you -- I mean, Jeff was not the only person  
25 who supervised you who did not give you a raise, right?

1       A.   Zandra was the other person who --

2       Q.   Okay.  And I -- and I think you said at some  
3 point Kristin was, as well?

4       A.   This, what, Exhibit 3 demonstrated that it was  
5 Zandra, Jeff and Jeff --

6       Q.   Okay.

7       A.   -- were the -- were the three.  So it was need to  
8 correct that.

9       Q.   Okay.  So Jeff was not the only person who did  
10 not give you a raise, right?

11      A.   Correct.

12      Q.   Okay.  And you were asking him throughout 2018  
13 for a raise, but that was the first year that he was  
14 actually supervising you, correct?

15      A.   The first full --

16      Q.   Full year.

17      A.   -- year, yes.

18      Q.   So when you were asking him throughout 2018,  
19 would that have been based on Zandra's decision not to  
20 give you a raise?

21      A.   No.

22      Q.   Okay.  Because Zandra's the person who evaluated  
23 you -- or at least for part of 2017 you were reporting  
24 to Zandra, correct?

25      A.   Zandra left in 2017.

1       Q.   Okay.  So part of that year would have been based  
2   on work -- your performance with Zandra, correct?

3       A.   Correct.

4       Q.   Because if I'm remembering correctly, the -- Jeff  
5   would have become your supervisor sometime late in 2017  
6   or early 2018, right?

7       A.   Yes, correct.

8       Q.   And so he's not the person that would have been  
9   really evaluating your performance for 2017, because he  
10   was not really your supervisor for that period, right?

11      A.   Yes.

12      Q.   So if you didn't get a raise in 2018 based on  
13   your performance in 2017, that was not based on Jeff's  
14   evaluation, correct?

15      A.   The performances was based upon Zandra's  
16   evaluation.  Your merit is forward looking, and Jeff  
17   could have adjusted that.

18      Q.   Right, but I -- what -- all I'm trying to -- to  
19   clarify is that when you were notified in 2018 about  
20   whether you were going to get a raise and a lump sum and  
21   an OTIP award, that was based on your performance in  
22   2017, correct?

23      A.   The performance and the OTIP, yes.  The merit is  
24   forward looking.

25      Q.   But the merit is based on how you've performed,

1 right?

2 A. Yes, --

3 Q. Which is --

4 A. -- that's part of it.

5 Q. -- backwards looking, right?

6 A. That is part of it, correct.

7 Q. Okay. And so that period, 2017, was really under  
8 Zandra not under Jeff, correct?

9 A. I was evaluated -- yeah, Zandra was my supervisor  
10 in 2017, yes.

11 Q. Okay. And all of that really is to drill down on  
12 fact that Jeff was not the only person who made a  
13 decision not to give you a raise with respect to your  
14 base salary at the company, right?

15 A. Yes, Zandra was the other evaluator, yes.

16 Q. Okay. Other than the VP of HR role, --

17 A. Uh-huh.

18 Q. -- the HR director role and the two HR  
19 consultancy roles, --

20 A. Uh-huh. Yes.

21 Q. -- did you ever apply for any other roles at the  
22 company that you were not selected for?

23 A. No.

24 Q. And other than your nonselection for those  
25 roles, --

1       A.   Correct.

2       Q.   -- are you claiming that the company  
3 discriminated against you in any other respect?

4       A.   No.

5       Q.   Including based on your race?

6       A.   Ask that question again.

7       Q.   There is -- there's no other conduct that  
8 occurred towards you during your employment other than  
9 the nonselection of these roles -- for these roles that  
10 form the basis of your race discrimination claim, right?

11      A.   Correct.

12      Q.   And, similarly, there's no other conduct that  
13 occurred during the company other than your nonselection  
14 for these roles that form the basis of your age  
15 discrimination claim, correct?

16      A.   Correct.

17      Q.   Okay. With respect to your retaliation claim, is  
18 your complaint against Melinda Reeves the only activity  
19 that you engaged in that you think you were retaliated  
20 for?

21      A.   Yes.

22      Q.   There's no other action that you took that you  
23 think the company retaliated against you for?

24      A.   No.

25      Q.   Okay. And the retaliation occurred -- you

1 mentioned that you were retaliated against because you  
2 were required to continue to report to Melinda, correct?

3 A. Yes.

4 Q. You view that as a form of retaliation, right?

5 A. It was an unpleasant work environment, correct.

6 Q. But you view that as retaliation?

7 A. Yes.

8 Q. And then you also view the fact that you had to  
9 report to Jeff Fralix when he got the VP of HR role, you  
10 view that as a form of retaliation, correct?

11 A. Correct.

12 Q. And then you've just shared with me that you  
13 think that Jeff retaliated you by not giving you a  
14 raise, you think that was a form of retaliation?

15 A. Correct.

16 Q. What else happened to you that you think was a  
17 form of retaliation?

18 A. Not being selected for the HR director nor the  
19 two HR consultancy roles.

20 Q. Okay. And so you think Jeff retaliated against  
21 you by not selecting you for the HR director role?

22 A. Yes.

23 Q. Did anybody else retaliate against you based on  
24 your nonselection for the HR director role?

25 A. No.

1 Q. Just Jeff?

2 A. Yes.

3 Q. And you think Jeff retaliated against you based  
4 on what conduct, based on what? He retaliated you by  
5 not selecting you for the HR director role because you  
6 did what?

7 A. Because I filed a complaint against Melinda.

8 Q. Okay. So this goes back to that original  
9 complaint, as well?

10 A. Yes.

11 Q. Okay. So it's your testimony that he didn't give  
12 you a raise because of your complaint with Melinda,  
13 correct?

14 A. Correct.

15 Q. And it's also your testimony that he didn't  
16 select you for the HR, excuse me, director role because  
17 of your complaint against Melinda, correct?

18 A. Yes.

19 Q. And with respect to the HR director role, your  
20 testimony is the same, you don't know whether he even  
21 knew about your complaint against Melinda when he made  
22 the decision about the HR director role, correct?

23 A. Correct.

24 Q. Okay. And who -- who retaliated against you with  
25 respect to the HR consultancy roles?

1       A. That would -- I still attach that to Jeff.

2       Q. Okay. What did Jeff do with respect to the HR  
3 consultancy roles?

4       A. My ultimate nonselection for roles, those two  
5 roles.

6       Q. Well, I think you testified earlier that Angie  
7 Moore made the decision on those roles, correct?

8       A. Yes.

9       Q. And she's the only person who interviewed you,  
10 right?

11      A. Yes.

12      Q. And so why do you think Jeff was retaliating  
13 against you for Angie's selection related to the HR  
14 consultancy roles?

15      A. I believe that the process was designed such that  
16 that would be the outcome.

17      Q. What process?

18      A. The selection process.

19      Q. Whose selection process?

20      A. The ultimate selection process for -- for both  
21 roles.

22      Q. For both of the consultancy roles?

23      A. For the consultancy roles as well as the HR  
24 director roles.

25      Q. Okay. What process was there, is what I'm trying



1 to understand?

2 A. The --

3 Q. You said that you believe that there was a  
4 process designed specifically about you with respect to  
5 those roles?

6 A. Yes.

7 Q. Okay. And what is the process that you think was  
8 set up?

9 A. The selection and interview process.

10 Q. Okay. What about the selection process was  
11 designed against you?

12 A. I was told that the process was designed so that  
13 they could get Shea out.

14 Q. Who told you that?

15 A. One of the employee relations advisors.

16 Q. Who?

17 A. Angela Wilson.

18 Q. When did she -- Angela tell you this.

19 A. I don't recall specifically.

20 Q. It would have been after you were not selected?

21 A. Absolutely.

22 Q. Did you -- did you make a complaint about this?

23 A. I was gone.

24 Q. Okay. Could you still have notified the company  
25 that you think that there was something wrong about the

1 selection process?

2 A. I had already filed my compliant.

3 Q. You had already filed your charge --

4 A. Yes, ma'am.

5 Q. -- when you learned this from Angela?

6 A. Yes, ma'am.

7 Q. Okay. So you're -- do you know when you filed  
8 your charge?

9 A. It was January 20 -- I don't know exact date,  
10 but, yes.

11 Q. So what were the circumstances where you were  
12 speaking to Angela Wilson and she told you that the  
13 selection process was set up or designed to get you out?

14 A. It was just a conversation. I just reached out,  
15 and we were just talking and, yeah.

16 Q. You reached out to her because of your charge of  
17 discrimination?

18 A. No.

19 Q. Are you friends with Angela Wilson?

20 A. I was, yeah.

21 Q. Are you still?

22 A. I --

23 Q. Your are?

24 A. Yeah. Well, yeah, we -- yeah, yes.

25 Q. When was the last time you spoke to Angela

1 Wilson?

2 A. It's been awhile.

3 Q. What does that mean?

4 A. Year.

5 Q. Okay.

6 A. A couple of years, yeah.

7 Q. Would that have been the last time you spoke to  
8 Angela Wilson?

9 A. Absolutely, yes.

10 Q. Have you spoken to her to ask her to testify in  
11 your behalf in this trial?

12 A. No.

13 Q. Okay. Do you plan to?

14 A. Whatever my attorneys --

15 Q. I mean, do you think she would be helpful to you?  
16 Do you want her to testify?

17 A. What -- I'm just whatever my attorneys say, yeah.

18 Q. Do you think she's helpful to you in -- with  
19 respect to your claims against the company?

20 A. Yes.

21 Q. Okay.

22 A. Yeah, probably, yeah.

23 Q. And so she told you the process was designed to  
24 get you out. Did she tell you specifically how it was  
25 designed to get you out?

1 A. No.

2 Q. Okay. Did you ask her what did she mean by that?

3 A. No.

4 Q. Were you curious?

5 A. That was -- that -- what is it -- that validated  
6 my suspicion. So it was -- it's validated what I had  
7 already thought, and which is why I asked the question  
8 when they -- like what would the process be, and, yeah,  
9 it was -- it just validate what I had already thought,  
10 what I was suspicious of.

11 Q. Well, the process was you would submit an  
12 application, you would be interviewed, and they would  
13 select from those, correct?

14 A. Yes.

15 Q. And you did submit applications for the HR  
16 director role and the consultancy roles, right?

17 A. Yes.

18 Q. And you were interviewed for those roles, right?

19 A. Yes.

20 Q. And they made a decision, right?

21 A. Yes.

22 Q. Was there something else in the process that  
23 you're -- you're claiming occurred that targeted you?

24 A. No.

25 Q. Okay. All right. So let's get back to your

1 allegation. You don't think that Angie Moore retaliated  
2 against you, correct?

3 A. No.

4 Q. And so Jeff Fralix is the only person who  
5 retaliated against you with respect to the HR  
6 consultancy roles?

7 A. And the HR director role.

8 Q. Right. I'm sorry, we talked about that one. I  
9 was --

10 A. Okay.

11 Q. -- just focusing on the HR consultancy roles.

12 A. Okay. Okay.

13 Q. I --

14 A. All right.

15 Q. I appreciate the clarification.

16 A. Okay.

17 Q. So Jeff is the only person that you allege  
18 retaliated against you with respect to the HR  
19 consultancy roles, correct?

20 A. Oh, okay. I'm -- okay. Thank you for --  
21 because -- all right. Yes. Yes.

22 Q. Do you know what Jeff Fralix's role was in  
23 selecting the successful candidates for the HR  
24 consultancy roles?

25 A. No.

1 Q. Do you know if he had any input at all?

2 A. No.

3 Q. Okay. So why do you think he retaliated against  
4 you with respect to those roles? What -- why do you  
5 think he did?

6 A. Based upon his friendship an allegiance to -- to  
7 Melinda.

8 Q. But if he did not -- if he was not involved in  
9 this selection process for the HR consultancy roles, how  
10 would he have retaliated against you in the selection  
11 for those roles?

12 A. It's just my belief that that is part of the --  
13 the -- the ultimate retaliation for filing a complaint  
14 against his close friend and mentor.

15 Q. Okay. How many complaints did you file against  
16 Melinda Reeves?

17 A. One.

18 Q. And that's the one in 2017?

19 A. Yes.

20 Q. And I think we clarified this, but other than  
21 that complaint, you never filed any other complaints  
22 against anybody else at the company during your time at  
23 Direct Energy, correct?

24 A. Correct.

25 Q. Okay. In your responses to written discovery,

1 and this is really just to make sure the record is  
2 clear, because you've already testified about who was  
3 selected for the two HR consultancy roles, right?

4 A. Yes.

5 Q. Okay. That was Brittany Smith and Chenée  
6 Franklin, correct?

7 A. Yes.

8 Q. In your interrogatory answers you indicate that  
9 Direct Energy hired two younger Caucasian women for the  
10 HR consultancy roles. Who are the two -- who are the  
11 two Caucasian women that you're -- you're referring to  
12 in your discovery responses?

13 A. I'd have to read it, but HR consultancy roles  
14 that -- the two HR consultancy the roles, the level 6  
15 ones, they were filled by Brittany Smith and Chenée  
16 Franklin.

17 Q. Who are both African American, correct?

18 A. Yes.

19 Q. And so -- and I appreciate you don't have it in  
20 front of you. I didn't -- I did not make extra copies,  
21 because I'm just trying to clarify, but if you're  
22 alleging or if you claim in your discovery responses  
23 that two white women were hired for the HR consultancy  
24 roles, that would be incorrect, right?

25 A. Yes.

1 Q. Okay. And we should rely on your testimony here  
2 today that the two HR consultancy roles went to Brittany  
3 Smith and Chenée Franklin, who are both African  
4 American, right?

5 A. Correct.

6 Q. Okay. And I'm sorry, we were talking about the  
7 raises that you talked to Jeff about. About how many  
8 times in 2018 did you go to Jeff to ask him about a  
9 raise?

10 A. I don't recall exactly. I know at least once,  
11 and somewhere between two and five.

12 Q. Was anybody else present when you went to him to  
13 ask him about a raise?

14 A. No, these are during our one-on-one meetings.

15 Q. Okay.

16 A. Yes.

17 Q. Did you think that he was denying you raises for  
18 discriminatory reasons?

19 A. For retaliation.

20 Q. For retaliation. And did you report this to  
21 anyone at any time?

22 A. No.

23 Q. Okay. So -- and, to be clear, it was not  
24 discriminatory that he denied you a raise, but it was  
25 retaliatory that he denied you a raise based on your



1     allegations, right?

2           A.   Yes.

3           Q.   Okay.   Between 2018 -- after your complaint  
4     against Melinda Reeves, which was late 2017, through  
5     2019, did anything else happen to you with respect to  
6     your position at the company, your role as an HR  
7     business partner, that you had problems with or  
8     complaints about?

9           A.   No.

10          Q.   Okay.

11          A.   Despite that I've maintained my HR  
12     professionalism and did my job to the best of my  
13     ability.

14                 MS. WILLIAMS:  Objection, nonresponsive after no.

15          Q.   And the complaint that you made in 2017 against  
16     Melinda Reeves, which you conveyed through Jonathan  
17     Phillips, that was just about race, right?

18          A.   Yes.

19          Q.   Okay.   You did not allege at the time that she  
20     discriminated against you because of your age, correct?

21          A.   Yes, correct.

22          Q.   That's correct?

23          A.   Yeah, that's correct.

24          Q.   Okay.   Is there any -- are there any other facts  
25     that form the basis of your retaliation claim other than

1     what we've discussed? Do you want me to recap what I  
2     think we've discussed?

3         A. No, I think I've got this one.

4         Q. Okay. Okay.

5         A. No. No.

6         Q. Okay. What are you asking the jury to award you  
7     in this case?

8         A. Monetary damages is -- yeah.

9         Q. I'm sorry, I heard monetary damages, and I didn't  
10    hear the rest.

11        A. I just -- that's all I said, yeah.

12        Q. How much?

13        A. Oh, I am -- I don't know.

14        Q. Have you calculated what you believe your  
15    economic damages are in this case?

16        A. Yes.

17        Q. What are they?

18        A. It's at least -- I was out of work for two and a  
19    half years. I'm not making near as much as I was making  
20    there, and it's at least 750,000.

21        Q. You've made that calculation that it's 750,000 in  
22    economic damages?

23        A. Yes.

24        Q. Are you asking for anything else besides economic  
25    damages?

1       A. I don't know.

2       Q. Have you been harmed in any other way besides the  
3 lost wages that you're alleging?

4       A. From -- right, yes.

5       Q. How else have you been harmed?

6       A. Just the time that it took me to find another  
7 job. It seemed like it was -- I'd get close and then  
8 something would happen. And it just was the toll that  
9 it took on me from an emotional standpoint, the  
10 emotional tax that -- yeah.

11      Q. How did it affect you emotionally?

12      A. I mean, to know that something that I love, this  
13 field of HR, and to be denied opportunities to interview  
14 for roles, and then to have to continue to work in an  
15 environment for somebody that -- it was just really  
16 hard.

17           But I continued to do what I -- what -- my job to  
18 the best of my ability, because I -- I wanted -- I  
19 wanted Jeff to be successful, too, in spite of anything.  
20 And it was just -- it was just really hard to get  
21 through that. So --

22      Q. Have you had to receive -- well, have you  
23 received any type of counseling or treatment related to  
24 any emotional injury you're claiming in this lawsuit?

25      A. No.

1       Q. Have you seen any doctors or other health care  
2 providers in connection with any injuries you're  
3 claiming in this lawsuit?

4       A. No.

5       Q. When did you start looking for another job after  
6 you left Direct Energy?

7       A. Immediately.

8       Q. And how did you go about looking for another job?

9       A. Job boards, networking.

10      Q. How much -- oh, I'm sorry was that it?

11      A. Uh-huh.

12      Q. Okay. How much time were you devoting to looking  
13 for another job when you left Direct Energy?

14      A. It was a full-time job.

15      Q. So every day?

16      A. Every day.

17      Q. For how many hours?

18      A. At least four hours a day. And when I wasn't  
19 actively applying, I was following up on leads.

20      Q. In discovery you produced some documents showing  
21 applications that you made for positions in 2021 and  
22 2022.

23      A. Uh-huh. Okay.

24      Q. I didn't see anything for 2019, 2020 or the early  
25 part of 2021. Why is that?

1 A. COVID.

2 Q. What does that mean?

3 A. COVID hit in what, 2020?

4 Q. Uh-huh.

5 A. And so opportunities weren't there. And in --  
6 they started opening back up, I guess, late 2020, early  
7 2021.

8 Q. So were you not submitting applications in 2020?

9 A. I don't recall very many of them, because the  
10 world was shut down.

11 Q. If you did submit applications in 2020, do you  
12 have records of those?

13 A. If I did, I'm sure they're somewhere, yeah.

14 Q. I'm just trying to get a sense of whether  
15 every -- so you produced records related to applications  
16 you made 2021, 2022.

17 A. Uh-huh.

18 Q. Do you have records related to efforts you made  
19 in 2019 and 2020 that you have not produced?

20 A. No.

21 Q. So the absence of those records, I'm just trying  
22 to understand what I take from that. Like are there no  
23 records related to efforts you made in 2019 and 2022?  
24 I'm sorry, and 2020?

25 A. I must not have filed them away and just did not

1 have them.

2 Q. Okay.

3 A. Yeah.

4 Q. Do you have -- are you able, excuse me, to  
5 identify applications you made in 2019 and 2020?

6 A. Not off the -- not right now, yeah.

7 Q. But, I mean, for example, I've asked in discovery  
8 to identify that. Are you able to supplement your  
9 discovery responses and identify for me the positions  
10 you applied for in 2019 and 2020?

11 A. I'll go and look again.

12 Q. Okay.

13 A. Yeah.

14 Q. Do you know about how many positions you would  
15 have applied for in 2019?

16 A. It would have been a handful, because I was  
17 released in September 20 -- at the end of the year, and  
18 opportunities dry up at the end of the year, anyway. So  
19 it was a poor time to be let go.

20 I also started my HR consulting practice, and  
21 then the first part of the year of 2020, the first part  
22 of the year is usually slow, as well, and then in  
23 February and March of 2020 COVID hit and companies were  
24 shutting down. They weren't doing any hiring.

25 Yeah, so then it started opening back up, and

1 then that's when the -- the bulk of the opportunities  
2 started in 2021, and ultimately I was successful this  
3 past year.

4 Q. Okay. And when you say a handful in 2019, we're  
5 talking about five? Is that what you're --

6 A. I'd say, --

7 Q. -- kind of thinking?

8 A. -- yeah, about five, yeah.

9 Q. Okay. In 2020 how many do you think you --  
10 applications you put in for positions?

11 A. Probably five.

12 Q. Okay. And during -- when did you -- I think you  
13 mentioned earlier you were receiving unemployment --

14 A. Yes.

15 Q. -- compensation? When did your unemployment  
16 start?

17 A. September, October 2019, I believe.

18 Q. And it continued until when?

19 A. There were COVID extensions. So it was extended,  
20 I believe, end of October of 2020.

21 Q. So you received unemployment from September or  
22 October 2019, excuse me, to October 2020?

23 A. That sounds about right, yes.

24 Q. Okay. And how much were you receiving in  
25 unemployment?

1 A. I don't exactly recall.

2 Q. Do you have records showing what that was?

3 A. Yes.

4 Q. Okay. Do you know -- I don't recall seeing them.  
5 Do you have them available to produce in response to  
6 discovery requests for them?

7 A. I thought I signed where y'all could get them,  
8 yeah.

9 Q. Okay. But do you -- I mean, I'm asking if you  
10 actually have the records.

11 A. On me? I don't know. You're talking about like  
12 on me or can I --

13 Q. Not --

14 A. -- get them?

15 Q. -- here, but --

16 A. Oh, okay.

17 Q. -- in your possession.

18 A. Yeah, I can -- sure, I can get that number, yes.

19 Q. Okay. And you can't estimate how much you  
20 received in total from unemployment?

21 A. Maybe 12,000.

22 Q. For the -- over the course of that year?

23 A. Yeah. Let's say 12 to 15 thousand. But, I mean,  
24 I -- I will get that number for you.

25 Q. Okay.



1       A.   So just -- yeah.

2       Q.   Other than the unemployment insurance that you  
3   received and then the work that I guess you had, were  
4   you receiving unemployment insurance while you were  
5   doing the HR consultancy work?

6       A.   No, no.

7       Q.   Okay.  Your HR consultancy started in December of  
8   2019?

9       A.   Yeah, but there wasn't -- it was -- COVID hit.

10      Q.   Okay.

11      A.   And so all that stuff dried up.

12      Q.   But, I mean, during the period that you were  
13   actually receiving unemployment insurance, did you ever  
14   receive any money for services performed through your  
15   consultancy company?

16      A.   No.

17      Q.   That all came after your unemployment ended?

18      A.   Yes.

19      Q.   Okay.  When you were receiving unemployment  
20   insurance, did you -- were you -- did you get  
21   compensation from any other source?

22      A.   No.  I wish.  I'm sorry, I said I wish.

23      Q.   Okay.  Did you have any other forms of income  
24   during the period that you were receiving unemployment  
25   insurance?

1       A.   My savings.

2       Q.   Okay.  What savings are those?  Are we talking  
3   401(k) or your like a savings account or both?

4       A.   All of the above, both.

5       Q.   Okay.  So you were tapping into your savings  
6   account and your 401(k) --

7       A.   Yes.

8       Q.   -- during this time?

9       A.   Yes.

10      Q.   How much in your savings and 401(k) did you tap  
11   into during this period?

12      A.   200,000.

13      Q.   Do you still have funds left in savings?

14      A.   Very little in savings.  Might even more than  
15   that and not near as much as I had in my 401 -- my  
16   401(k).

17      Q.   You still have some in your 401(k)?

18      A.   I do.

19      Q.   Okay.  Were you getting financial support from  
20   any other sources -- after you left Direct Energy and  
21   during the time that you were looking for work, were you  
22   getting financial assistance from any other sources  
23   besides unemployment?

24      A.   For a portion up until June 2020 I was also  
25   receiving some child support until my daughter graduated

1 high school.

2 Q. So that was through June 2020?

3 A. Correct.

4 Q. And how much was that?

5 A. 600, I think.

6 Q. A month?

7 A. Six -- yes.

8 Q. Okay. Any other financial assistance of any kind  
9 during that period?

10 A. I've said unemployment, child support, savings.  
11 No.

12 MS. WILLIAMS: Okay. Can we take maybe three  
13 minutes, just let me kind of go through and see what I  
14 have to wrap up on?

15 VIDEOGRAPHER: It is 2:58. We are off the  
16 record.

17 [Recess]

18 VIDEOGRAPHER: It is 3:01 -- oh, sorry, 3:02, and  
19 we are back on the record.

20 MS. WILLIAMS:

21 Q. Ms. Bible, we took a short break. Is there  
22 anything you want to add to or change about your  
23 testimony since our break?

24 A. No, ma'am.

25 Q. Okay. And I'm going to ask -- just kind of

1 bounce around a bit with some follow-up.

2 The -- you indicated that you had some emotional  
3 stress related to -- you know, that you're alleging in  
4 this lawsuit?

5 A. Yes, ma'am.

6 Q. Have -- have you -- since you were -- since  
7 you -- your job at Direct Energy ended, have there been  
8 any other major life events that you've had that have  
9 contributed to any emotional stress you've experienced?

10 A. No.

11 Q. Okay. Have you spoken to anyone about testifying  
12 on your behalf in this lawsuit?

13 A. I have not.

14 Q. Have you spoken to anyone other than your lawyers  
15 about this lawsuit?

16 A. Yes.

17 Q. Who have you spoken to about this lawsuit?

18 A. Personal friend.

19 Q. Who are they?

20 A. Damon Russell.

21 Q. Okay. Anyone else?

22 A. Joselyn Darby.

23 Q. These are all friends of yours?

24 A. Yes.

25 Q. Anyone else?

1       A. No. Oh, my parents. My children don't even  
2 know.

3       Q. Okay. Does Damond and has Damond ever worked for  
4 Direct Energy?

5       A. No.

6       Q. What about Joselyn?

7       A. No.

8       Q. Okay. And your parents, I assume they have not  
9 worked for Direct Energy, either?

10      A. Correct.

11      Q. Okay. Have you spoken to any employees or former  
12 employees of Direct Energy about your lawsuit?

13      A. No.

14      Q. If you were going to identify people who might be  
15 witnesses for you related to your claims in this  
16 lawsuit, who would they be?

17      A. It would be people from the employee relations  
18 department and those like Jeff Fralix, Brittany Smith,  
19 Chenee Franklin, Angie Moore, be folks like that.

20      Q. Who from the ER department, employee relations  
21 department? I'm sorry.

22      A. Oh, sorry, it would be like Jonathan Phillips and  
23 looking at like Priscilla Garza, Angie Wilson, Angela  
24 Wilson.

25      Q. You said Priscilla Garza?

1 A. Yes, ma'am.

2 Q. And Angela Wilson?

3 A. Yes, ma'am.

4 Q. Anyone else?

5 A. No.

6 Q. Okay. And I apologize if I asked you this. I  
7 know I asked you with respect to some of the positions,  
8 but do you know who all applied for the HR consultancy  
9 role?

10 A. I do not.

11 Q. And what about for the HR director role, do you  
12 know who all applied for that position?

13 A. I do not.

14 Q. Okay.

15 A. No, I do not.

16 Q. Okay. Did you talk to Brittany Smith about the  
17 HR consultancy role when you all were applying for it?

18 A. Ask it again.

19 Q. Did you -- excuse me. I knew that was coming.  
20 Did you talk to Brittany Smith about the HR consultancy  
21 role when you all were applying for it?

22 A. Yeah, we all talked about the reorganization and  
23 the roles.

24 Q. Okay.

25 A. Correct, yeah.

1       Q. Did you express any concerns you had about your  
2 chances of getting selected for the role with Brittany  
3 Smith?

4       A. No.

5       Q. Did you talk to Chenee Franklin about the HR  
6 consultancy role when you all were applying for it?

7       A. Possibly.

8       Q. Do you recall expressing any concerns you had  
9 about your chances of getting the role?

10      A. No, I had no concerns. There was no reason for  
11 me not to be selected for the --

12      Q. Okay.

13      A. -- HR consultancy role.

14      Q. Okay. So you didn't go in with any concerns?

15      A. No.

16      Q. And then similarly with the HR director role, did  
17 you talk to anybody about -- I think you -- you said you  
18 didn't know who else applied --

19      A. Correct.

20      Q. -- other than Angie Moore, right?

21      A. Correct.

22      Q. Did you speak to anyone about the HR director  
23 role when you were kind of in the process of applying  
24 and interviewing for it?

25      A. Yes.

1 Q. Who was that?

2 A. Jeff and I spoke about the roles, yes.

3 Q. Okay. Other than Jeff, anyone else?

4 A. I solicited letters of recommendation --

5 Q. Uh-huh.

6 A. -- from my -- the vice presidents I was  
7 supporting at the time.

8 Q. From your client group?

9 A. Correct.

10 Q. Okay. Do you recall who the -- who you got  
11 letters of recommendation from?

12 A. Urusa Nawaz, Jay -- last name just escaped me.

13 Q. Okay.

14 A. And there was one more that -- but, yeah.

15 Q. I'm sorry, and you submitted those letters of  
16 recommendation as a part of your application for the HR  
17 director role?

18 A. Yes.

19 Q. To whom?

20 A. I sent them, I think, to Amanda and Jeff.

21 Q. Anyone else you spoke to about the HR director  
22 role besides Jeff and then these three client group  
23 members?

24 A. Not that I recall.

25 Q. Okay. I'm going to just show you a few documents



1 just to get them identified for the record.

2 [Exhibit 4 marked, July 31, 2019 Notice of  
3 Layoff]

4 A. Thank you.

5 MS. WILLIAMS:

6 Q. I'm showing you what's marked as Exhibit 4,  
7 right?

8 A. Correct.

9 Q. Of your deposition. Do you recognize this  
10 document?

11 A. I do.

12 Q. Okay. What is it?

13 A. It's my notice of layoff.

14 Q. Okay. Is this the -- the letter that you  
15 received notifying you of the reorganization and the  
16 job -- elimination of your position?

17 A. Yes.

18 Q. Okay. And this document is Bates numbered Bible  
19 33 through Bible, excuse me, 47.

20 A. Uh-huh. Yes. Yes.

21 Q. Does that look like the entire -- entirety of  
22 what you received notifying you of your layoff?

23 A. Yes. Yes.

24 Q. Okay. Did you have any questions for any --  
25 anyone about the contents of this notice when you

1 received it?

2 A. No.

3 Q. Okay. And you were offered severance in  
4 connection with the reorganization in the event you were  
5 not selected for the positions, the HR director position  
6 and the HR consultancy positions, correct?

7 A. Correct.

8 Q. Did you accept the severance?

9 A. No.

10 Q. And why not?

11 A. I knew it was going to take me longer to find a  
12 job. Plus I felt like it was constructed so that I  
13 would not have a job.

14 Q. Okay. Did you express that to anyone at the  
15 time?

16 A. No. Last conversation I had with anybody was  
17 Angie Moore. Well, I take that back, and then I talked  
18 to Sidney and Jonathan. That was it.

19 Q. You talked to Sidney and Jonathan after you got  
20 the layoff notice?

21 A. I talked to Sidney and Jonathan after Angie  
22 called to tell me I wasn't selected.

23 Q. Okay. And what did you tell Sidney and Jonathan?

24 A. I was -- I did not understand why I wasn't  
25 selected for any of the roles.

1 Q. And what did they tell you?

2 A. They sympathized, you know. And I asked if  
3 anything more could be done to help supplement what I  
4 knew was going to be a long and arduous -- you know,  
5 unbeknownst to anybody, we were going to have a whole  
6 year plus of -- and they went and -- well, they say they  
7 went and came back, and it was going to still be the  
8 same package. So --

9 Q. Did you tell Jonathan and Sidney that you thought  
10 Angie's decision -- that the -- so you went to them  
11 about the HR consultancy role, not about the HR director  
12 role?

13 A. I went to them -- it was after -- there was -- I  
14 was completely shocked that I did not get the HR  
15 consultancy role. And once I went to them afterwards --  
16 because I think I was informed like the day before was  
17 supposed to be my last day. What is this? What does it  
18 say? Yeah. And I went to them just, you know,  
19 devastated and not understanding and asked them if  
20 any -- what, if anything else, could be done, yeah.

21 Q. Okay. And so my question was did you -- you went  
22 to them when you learned about the HR consultancy role,  
23 right? Roles, correct?

24 A. Yes.

25 Q. You did not go to them after you learned about

1 the HR director role, correct?

2 A. Correct.

3 Q. Okay. And you went to them about the HR  
4 consultancy role, because I think you just testified you  
5 were shocked that you didn't get one of them, right?

6 A. Correct.

7 Q. And did you tell them that you thought you were  
8 discriminated against at the time?

9 A. I don't recall.

10 Q. Okay.

11 A. I was -- it was a very emotional moment for me.  
12 I don't recall what -- what I said to them over the  
13 phone.

14 Q. Okay. Do you think -- is it possible you're  
15 going to recall after the deposition? Because I'm  
16 trying to get, you know, a sense of what you're going to  
17 be telling the jury about --

18 A. Yes, ma'am.

19 Q. -- your claim. And so what I -- I've asked you,  
20 you know, multiple times if you've made any complaints  
21 about discrimination, --

22 A. Yes.

23 Q. -- any other complaints other than the specific  
24 ones --

25 A. Yes.

1       Q.  -- we talked about.  And so this conversation  
2       that you've had with Jonathan and Sidney, --

3       A.  Yes.

4       Q.  -- I'm just trying to drill down on whether or  
5       not you raised any concerns about discrimination with  
6       them during that discussion.

7       A.  I don't believe so.

8       Q.  Okay.

9       A.  Yeah.

10      Q.  And so you were working with them with respect to  
11      the severance package, and you tried to negotiate some  
12      different terms in the severance package; is that right?

13      A.  Correct.

14      Q.  And did you get -- obviously, you didn't accept  
15      the severance package, but did the company make any --  
16      update its offer to you at any point --

17      A.  No.

18      Q.  -- during that process?

19      A.  No, ma'am.

20      Q.  Okay.  And you did not take the severance  
21      package, because you knew that -- well, it wasn't giving  
22      you enough time in terms of the severance it was  
23      providing?

24      A.  Correct.

25      Q.  And you knew that it was -- it was your opinion

1     that you were going to -- it was going to take you a  
2     while to find another position, correct?

3         A.   Based upon finding -- taking 10 months to find  
4     the Direct Energy role after I left Shell, it was my  
5     experience that it was going to take me at least 10  
6     months to find another role.

7         Q.   Were you surprised -- I mean, obviously, COVID  
8     happened, but then after COVID it still took you a while  
9     to find another role, right?

10        A.   Correct.

11        Q.   And to this day you have not found another HR  
12     role, right?

13        A.   Correct.

14        Q.   Has that surprised you?

15        A.   Not really, because I believe that the -- the --  
16     the world has changed, and -- and I -- and I think  
17     the -- I just think the world has changed. So I think  
18     it took it a minute to figure out what was going to be  
19     next, it being the world, like what was going to be next  
20     in terms of working. So not necessarily. I'm grateful  
21     that I have this role at -- at Catalyst.

22        Q.   Okay.

23        A.   Yeah.

24        Q.   Okay. Just a couple more documents I want to  
25     just introduce for the record.

1           [Exhibit 5 marked, Direct Energy Equal Employment  
2 Opportunity Policy]

3           MS. WILLIAMS:

4           Q. I'm showing you what's been marked as Exhibit 5  
5 to your deposition. Do you recognize this document?

6           A. Yes.

7           Q. What is it?

8           A. It's an equal -- it's our equal employment  
9 opportunity policy.

10          Q. For Direct Energy?

11          A. Correct.

12          Q. Okay. And were you familiar with this policy  
13 during your employment with the company?

14          A. Yep. Yes.

15          Q. And in your capacity as an HR business partner,  
16 you would have been responsible for implementing and  
17 enforcing this policy?

18          A. Absolutely.

19          Q. Okay. And you were familiar with this policy  
20 throughout your employment at Direct Energy, correct?

21          A. Throughout my HR career, yeah.

22          Q. Okay.

23          A. They read the same.

24          Q. Okay. But specifically at Direct Energy you were  
25 familiar with it?

1 A. Yes.

2 [Exhibit 6 marked, Direct Energy  
3 Non-Discrimination/Anti-Harassment Policy]

4 A. Thank you.

5 MS. WILLIAMS:

6 Q. I'm showing you what's marked --

7 A. Yes.

8 Q. -- as Exhibit 6 to your deposition.

9 A. Yes.

10 Q. Do you recognize this?

11 A. Yes.

12 Q. What is this?

13 A. The non-discrimination/anti-harassment policy for  
14 Direct Energy.

15 Q. And was this policy in effect during your  
16 employment at Direct Energy?

17 A. Yes.

18 Q. Okay. Were you familiar with this policy during  
19 your employment at Direct Energy?

20 A. Yes.

21 Q. And in your capacity as an HR business partner,  
22 would it have been part of your responsibility to  
23 enforce and implement this policy?

24 A. Absolutely, yes.

25 [Exhibit 7 marked, Direct Energy Workplace



1 Investigations Policy]

2 A. Thank you.

3 MS. WILLIAMS:

4 Q. I'm showing you what's been marked as Exhibit 7  
5 to your deposition.

6 A. Yes.

7 Q. Do you recognize this document?

8 A. I do not.

9 Q. Okay. What is the document?

10 A. It's the workplace investigation policy.

11 Q. Okay. Do you see at the top there's a date, it  
12 shows January 19th, 2018?

13 A. Yes.

14 Q. Okay. Were you -- you were employed at Direct  
15 Energy during that time period, right?

16 A. Yes.

17 Q. Is it your testimony that you've never seen this  
18 document?

19 A. I don't recall, but it make perfect sense. So,  
20 yes, it -- it's, yeah, the policy on how to conduct  
21 workplace investigations.

22 Q. Okay. And I think earlier in your testimony you  
23 said that you -- you were aware that Direct Energy had  
24 some type of policy or practice --

25 A. A process.

1 Q. -- related to investigations, right?

2 A. Yes.

3 Q. Okay. This would have been related to those  
4 processes?

5 A. Yes.

6 Q. Okay.

7 A. And that's why I was like I didn't recall  
8 policy, --

9 Q. Yes.

10 A. -- but I recall practice.

11 Q. Okay.

12 A. So -- and --

13 Q. Okay.

14 A. -- this is -- but over my career --

15 Q. Uh-huh.

16 A. -- there is a process and a policy, and this  
17 would mimic that. So --

18 Q. Okay.

19 A. -- I don't necessarily need to have seen that one  
20 existed there, if that makes sense.

21 Q. Okay.

22 A. Okay.

23 Q. And I know, I mean, the document is about two  
24 pages. It spills over into a third page, but -- and we  
25 can take a minute for you to review that. I just wanted

1     you to -- if you could identify for me if there's  
2     anything that you notice in this investigations policy  
3     that doesn't comport with what your understanding of  
4     Direct Energy's practices were with respect to  
5     investigations.

6         A.   No, this is --

7         Q.   It looks to be --

8         A.   -- consistent.

9         Q.   -- consistent?

10        A.   Yes, absolutely.

11        Q.   Okay.   Thank you.

12           [Exhibit 8 marked, Centrica Our Code]

13        A.   Thank you.

14           MS. WILLIAMS:

15        Q.   I'm showing you what's been marked as Exhibit 8  
16     to your deposition.   Do you recognize this document?

17        A.   I do not.

18        Q.   Okay.   What is this document?

19        A.   It is the -- looks like the code of --

20        Q.   Uh-huh.

21        A.   -- conduct for Centrica.

22        Q.   Okay.   And did you ever see a document or a some  
23     document similar to this during your employment at  
24     Direct Energy?

25        A.   Yes.

1       Q. Okay. So what is your testimony, that you saw  
2 this one or something similar to it?

3       A. Something similar.

4             [Exhibit 9 marked, Acknowledgment Form for code  
5 of conduct]

6       A. Thank you.

7             MS. WILLIAMS:

8       Q. I'm showing you what's marked as Exhibit 9 to  
9 your deposition. Can you tell us what that document is?

10      A. Oh, acknowledgment form looks like for the code  
11 of conduct.

12      Q. Okay.

13      A. Yeah.

14      Q. And I understand that what we looked at as  
15 Exhibit 8 may not be exactly --

16      A. Right.

17      Q. -- what you had, --

18      A. Right.

19      Q. -- but do you recall signing this acknowledgment  
20 form?

21      A. Yes, yeah.

22      Q. And that reflects that you did receive the  
23 company's code of conduct during your employment,  
24 correct?

25      A. Yeah, I signed this on my first day of employment

1 at Direct Energy, which is typical.

2 Q. Okay. And then did you have access to the code  
3 of conduct throughout your employment?

4 A. Absolutely.

5 Q. Okay. And, similarly, with respect to the other  
6 policies we've just looked at, you would have had access  
7 to those throughout your employment, as well?

8 A. Yes.

9 [Exhibit 10 marked, Centrica Speak Up Procedure]

10 A. Thank you.

11 MS. WILLIAMS:

12 Q. I'm showing you what's been marked as Exhibit 10  
13 to your deposition.

14 A. Yes.

15 Q. Can you tell us what that is?

16 A. It's the Centrica Speak Up Procedure.

17 Q. Okay. Are you familiar with this document?

18 A. No.

19 Q. Okay. You don't recall seeing this document  
20 through your employment?

21 A. Not in this format.

22 Q. Okay. And, just for the record, the document on  
23 the first page is indicating an approval date of March  
24 16th, 2018; is that right?

25 A. Yes.

1       Q. So that would have been in effect during the time  
2 you were there, correct?

3       A. Yes.

4       Q. And is it your testimony that you saw another --  
5 some other version of the speak up procedure during your  
6 employment?

7       A. No.

8       Q. Okay.

9       A. It's my testimony that I'm familiar with the  
10 speak up line. I haven't seen -- and speak up generally  
11 went through the employee relations. Actually was its  
12 own entity. So --

13       Q. Okay. And just to clarify, earlier we were  
14 talking about an ethics line.

15       A. Right.

16       Q. Is that the same thing as speak up?

17       A. Yes.

18       Q. Okay. All right. Speak up or the ethics line  
19 would have been one avenue to report complaints, right,  
20 that employees had at Direct Energy, right?

21       A. Yes.

22       Q. What were some of the other avenues that  
23 employees had to report complaints if they had any?

24       A. To their supervisor, to an HR business partner,  
25 to -- directly to employee relations and speak up. So

1     those would be the avenues that someone had.

2           Q.   Okay.  During your time at Direct Energy and when  
3     you participated in investigations, did you ever  
4     participate in any investigations related to an  
5     employee's complaint that they were not selected for a  
6     position?

7           A.   I don't recall specifically.

8           Q.   During your time at --

9           A.   Yeah.

10          Q.   -- Direct Energy when you investigated employee  
11     complaints related -- did you have discrimination  
12     complaints from employees?

13          A.   Yes.

14          Q.   And you participated in investigations of  
15     those --

16          A.   Yes.

17          Q.   -- from time to time?

18          A.   From time to time.

19          Q.   Were there times when you investigated and found  
20     that the employee's complaint was not substantiated by  
21     the evidence?

22          A.   Yes.

23          Q.   Okay.  How often did that happen?

24          A.   I couldn't guess.

25          Q.   Okay.  When you -- when you testified in prior

1 depositions as a representative of Shell, --

2 A. Okay.

3 Q. -- were you testifying on behalf of the company  
4 or the employee?

5 A. The company.

6 Q. Okay. And were -- if you recall, were those  
7 decisions based on -- or were those cases based on  
8 decisions that you made related to those employees who  
9 were bringing those claims?

10 A. Which decisions?

11 Q. Well, I don't know what they are, and I'm sorry,  
12 probably not the best question. So in the two -- I  
13 think you said there were two depositions that you  
14 participated in at Shell?

15 A. There was at least one.

16 Q. At least one?

17 A. Yes, at least one.

18 Q. Okay. For that -- do you recall what type of  
19 complaint was being brought?

20 A. Yes.

21 Q. What was it?

22 A. It was a termination for substance abuse,  
23 violation of substance abuse policy.

24 Q. Okay. And did -- did you actually conduct the  
25 investigation related to that employees issue?



1       A. I -- no. No. I oversaw the -- the team that --  
2       that oversaw the policy, information in the policy.

3       Q. So when you were testifying, were you testifying  
4       as a fact witness?

5       A. Yes.

6       Q. But not in the capacity of a decision maker?

7       A. Correct.

8       Q. And you were not testifying in the capacity of  
9       the HR person who actually investigated the issue; --

10      A. Correct.

11      Q. -- is that right?

12             Okay. Have you ever testified on behalf of Shell  
13      related to a complaint an employee made where you  
14      conducted an investigation into the employee's  
15      complaint?

16      A. No.

17      Q. Okay. I don't know if I asked you this. So I  
18      apologize. Just trying to be kind of wrap up and get  
19      the record clear. Do you know what Chenée Franklin's  
20      experience is, what her industry experience is?

21      A. I do not.

22      Q. What about Brittany Smith?

23      A. I do not.

24      Q. Are you -- is it your position that Brittany  
25      Smith was not qualified for the HR consultant role?

1 A. No.

2 Q. Okay. Do you believe she was qualified for that  
3 role?

4 A. It was an entry level role, yes.

5 Q. Okay. Do you believe -- is it your testimony  
6 that Chenee Franklin was not qualified for the HR  
7 consultancy role?

8 A. No.

9 Q. Was Chenee Franklin qualified for the HR  
10 consultancy role?

11 A. Yes.

12 Q. Other than the economic damages that we've talked  
13 about and the emotional issues, are there any other  
14 damages that you're claiming or seeking to recover in  
15 this case?

16 A. Attorney's fees.

17 Q. Okay. Do you know what your attorney's fees are?

18 A. As of today, yes.

19 Q. Okay. What are they?

20 A. I think it was \$30,000.

21 Q. 30?

22 A. Yeah.

23 Q. Okay. All right. Anything else?

24 A. No, ma'am.

25 MS. WILLIAMS: Okay. I think I'll pass the

1 witness.

2 EXAMINATION BY MR. HODGES

3 Q. All right, Ms. Bible, I just have a -- just a  
4 couple of follow-up questions. I won't be that long.  
5 So what I want to ask is kind of about the level,  
6 position levels. So can you explain the difference in  
7 qualifications between an L6 and an L5 employee?

8 A. An L5 would be close to an individual  
9 contributor, junior manager type of role. An L5 would  
10 be senior manager, director level. An L4 would be  
11 senior director, vice president level type of  
12 experience.

13 Q. And so would each level differ as it relates to  
14 an individual's experience or education?

15 A. Yes.

16 Q. And can you explain the difference in levels  
17 between -- for education-wise for level 5 and level 6?

18 A. So the -- the difference would be in terms of  
19 experience that -- that each role would require. Level  
20 5s usually had supervisory experience and -- and more  
21 impact from a -- to the -- to the bottom line of profit  
22 and loss of the statements. So you should have -- and  
23 my experience was commensurate with a level 5, although  
24 I entered at a level 6 with the -- the -- the desire to  
25 move to a level 5 over the course of my tenure there.

1       Q. And would you say that your education plays a  
2 part in which level you would -- would apply to or  
3 qualify for?

4       A. It does. When I received my masters degree I was  
5 compensated more than I would have been if I just solely  
6 entered as a -- with my bachelors degree.

7       Q. Do you know if Brittany Smith has her masters  
8 degree?

9       A. I do not.

10      Q. What about Chenee Franklin?

11      A. I do not.

12      Q. In regards to the HR consulting -- consultant  
13 position, how did you prepare for that interview?

14      A. Some -- there really wasn't much time to prepare  
15 for that interview. That interview was -- I found it to  
16 be rushed and harried, and, like I said, it was just a  
17 check-the-box exercise. But the way I prepared would  
18 have been the way I prepared for any interview, and that  
19 was to be able to talk through and provide examples of  
20 my experience in that -- for those specific  
21 responsibilities.

22      Q. Were you given any feedback after the interview?

23      A. The consultancy role?

24      Q. And what feedback was that?

25      A. Angie Moore called and said that I -- I asked her

1 for why was I not selected. She says because you didn't  
2 make any eye contact during the interview.

3 And I asked her, I said, Angie, it's like I find  
4 that interesting, because I was literally watching you  
5 take notes. And then she said I don't know, Shea,  
6 you've just got to talk to Jeff about it. And she's  
7 like I've got to go, and that was the end of our  
8 conversation.

9 Q. Did Angie Moore know that you applied for the HR  
10 director position?

11 A. I'm sure she did.

12 Q. And why do you believe that you are more  
13 qualified than Angie Moore? I think it may have been  
14 asked, but if you can answer. Why do you think -- why  
15 do you believe you were more qualified than Angie Moore  
16 for the HR director position?

17 A. I have more years of experience, my masters  
18 degree, my HR certification and the feedback that I was  
19 receiving from leaders, my business partners,  
20 unsolicited comments from even some of her supporters.  
21 So it wasn't just my qualifications, but it was  
22 my performance within the organization.

23 MR. HODGES: Okay. I have no further questions.  
24 I will pass the witness. But I also want to say on the  
25 record that we would like to read and sign.

1 MS. WILLIAMS: I actually have a few follow-ups.

2 MR. HODGES: Yeah, pass.

3 FURTHER EXAMINATION BY MS. WILLIAMS

4 Q. I'm sorry. I'm sorry.

5 A. I was like --

6 Q. You were almost done.

7 A. And I'm going to turn around.

8 Q. Okay. Do you know what Jeff Fralix's educational  
9 background is?

10 A. I do.

11 Q. What is it?

12 A. He has a bachelors from Baylor University.

13 Q. Okay. What else do you know about it, anything  
14 else?

15 A. That's it.

16 Q. What about Angie Moore's educational background,  
17 do you know what her background is?

18 A. I do not.

19 Q. Do you know if Jeff has any certifications?

20 A. I don't believe he does. I don't know, but I  
21 don't believe he does.

22 Q. Okay. You don't know?

23 A. Right.

24 Q. Okay. Do you know if he has any professional  
25 licenses?

1       A. Typically HR professionals, we don't have those.

2       Q. Okay.

3       A. So --

4       Q. That's fine. I'm just asking if you know --

5       A. Right. Okay.

6       Q. -- if he has any.

7       A. I don't believe so.

8       Q. Do you know?

9       A. I don't know.

10      Q. Okay.

11      A. Yeah.

12      Q. Do you know if Angie Moore has any  
13      certifications?

14      A. I know she has a -- I think a PHR.

15      Q. Okay. What is a PHR, for the jury?

16      A. Professional Human Resources.

17      Q. Certification?

18      A. Yes.

19      Q. Do you know if she has any professional licenses?

20      A. I don't know.

21      Q. Okay. How long was the interview for your -- the  
22      HR consultant role?

23      A. 30 minutes max, maybe.

24      Q. How long were the HR consultant role interviews  
25      for Brittany Smith?

1 A. I'm not sure.

2 Q. And Cheneé Franklin?

3 A. I'm not sure.

4 Q. You don't know if their interviews were longer or  
5 shorter than yours, correct?

6 A. Correct.

7 Q. Okay. How many years of experience does Jeff  
8 Fralix have?

9 A. At least two less than I do.

10 Q. Okay. How do you know that?

11 A. We've talked about it.

12 Q. Okay. And how many years of experience does  
13 Angie Moore have?

14 A. I don't know.

15 Q. When you applied for the HR director job -- well,  
16 I'll break them up. Excuse me. When you applied for  
17 the HR director job, did you prepare any type of  
18 proposals or plans to submit as a part of your  
19 application to show your qualifications?

20 A. I had provided my resume. I provided a cover  
21 letter and letters of recommendation.

22 Q. Is that it?

23 A. Yes.

24 Q. Okay. When you applied for the HR consultancy  
25 roles, did you prepare any type of proposals or plans



1 describing how you would approach the roles?

2 A. There was no time to do that.

3 Q. Okay. So is the answer no?

4 A. Correct.

5 Q. Okay. With respect to the level, the job grade  
6 classifications, someone who is a level 4, for example,  
7 within the organization is senior to someone who's a  
8 level 6, correct?

9 A. Yes.

10 Q. And you said that's a senior director -- I'm  
11 sorry, senior vice president level?

12 A. I said that would be like senior director, vice  
13 president level.

14 Q. Okay. Somebody who's applying -- who is a level  
15 4 and is applying for a level 4 position, in theory, is  
16 qualified for a level 4 position, right?

17 A. In theory.

18 Q. Okay. And based on what you're describing,  
19 somebody who's in a level 5 position, in theory, would  
20 have more experience and more responsibility than  
21 someone in a level 6 position, correct?

22 A. In theory.

23 Q. In theory. Okay. When you started at a level 6,  
24 did you ever complain to anyone about your job  
25 classification as a level 6?

1 A. No.

2 MS. WILLIAMS: Okay. Pass the witness.

3 FURTHER EXAMINATION BY MR. HODGES

4 Q. From your experience, how often do employees go  
5 from different levels, so either -- for example, go from  
6 level 6 to level 5 or go from a level 6 to level 4? How  
7 often have you seen that?

8 MS. WILLIAMS: Objection -- well, never mind.

9 A. Ask your question again, please.

10 MR. HODGES:

11 Q. Yes, how often have you seen from your experience  
12 working for Direct Energy, how often have you seen an  
13 employee go from a level 6 to a level 5 or -- or just  
14 change levels throughout your employment?

15 A. At Direct Energy there are very few processes  
16 when it came to that. In fact, yeah, I -- so whenever  
17 the manager got approval to make that change.

18 Q. So is it -- was it your expectation to stay  
19 within the same level throughout your entire employment  
20 there?

21 A. Absolutely not. Throughout my career at Shell I  
22 had success, progressively more challenging roles, more  
23 responsibility, and there was no reason for me to not  
24 expect the same thing at Direct -- at Direct Energy.

25 Q. And were you given any indication when you were

1 hired that you were -- you would be able to move levels  
2 or to gain, I guess, more experience through Direct  
3 Energy, you know, go up the ladder?

4 A. Yes, I was -- yeah, it was an expectation that at  
5 some point I would move through the ranks of Direct  
6 Energy.

7 Q. And do you know who gave you the -- told you that  
8 or who gave you the expectations, or how did you -- how  
9 did you expect that to happen?

10 A. Through my performance and as roles came open.  
11 In fact, I was being groomed, prepared to take on the  
12 role when Zandra left. Zandra was preparing me to take  
13 on her role. It was a level 4. It was being regraded  
14 to a level 5. And -- and I was her top performer, had  
15 the most experience. So I was supposed to be, you know,  
16 a great candidate for the role.

17 Q. Did she ever tell you that you would be a great  
18 candidate for the role?

19 A. Yes.

20 Q. And when did she say that?

21 A. Oh, I don't remember the exact when, but in our  
22 discussions about her role and as she was preparing to  
23 leave, because the role was -- she was a 4. It was  
24 being reevaluated to a 5. And so -- so when -- so when  
25 the role was regraded as -- when Jeff came in and it was

1 a 4, it's like but it was supposed to be a 5. So it  
2 just -- there were lots of -- all sorts of --

3 Q. And do you -- when you say Zandra --

4 A. Zandra.

5 Q. Zandra.

6 A. Uh-huh.

7 Q. Do you, by chance, recall Zandra's  
8 qualifications?

9 A. Yes.

10 Q. Do you know her education?

11 A. I know she has her HR and her law degree.

12 MR. HODGES: Okay. And -- okay. I'll pass the  
13 witness.

14 MS. WILLIAMS: I don't have any further  
15 questions. We'll reserve the rest for trial.

16 MR. HODGES: We'll reserve the rest for trial, as  
17 well.

18 VIDEOGRAPHER: It is 3 --

19 MS. WILLIAMS: That's official.

20 VIDEOGRAPHER: It is 3:41, and we are off the  
21 record.

22 -----

23

24

25

DEPOSITION OF SHEALONDA BIBLE, JUNE 16, 2022

**NELL McCALLUM & ASSOCIATES, INC.**

## SIGNATURE OF WITNESS

I, SHEALONDA BIBLE, have read the foregoing transcript and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
SHEALONDA BIBLE

THE STATE OF \_\_\_\_\_]

COUNTY OF \_\_\_\_\_]

Before me, \_\_\_\_\_, on this day personally appeared SHEALONDA BIBLE, known to me (or proved to me on the oath of \_\_\_\_\_ or through \_\_\_\_\_ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SHEALONDRA BIBLE,	]	
Plaintiff,	]	
	]	
v.	]	CASE NO. 4:21-CV-00804
	]	
DIRECT ENERGY, ET AL,	]	
NRG LLC,	]	
Defendant.	]	

REPORTER'S CERTIFICATION

DEPOSITION OF SHEALONDA BIBLE

JUNE 16, 2022

I, Shawn Kelley, Certified Shorthand Reporter  
No. 3448 in and for the State of Texas, hereby certify  
to the following:

That the witness, SHEALONDA BIBLE, was duly sworn  
by the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

That the deposition transcript was submitted on  
\_\_\_\_\_, 2022, to Eddie Hodges, Jr.,  
attorney for Plaintiff, for examination, signature, and  
return to the offices of Nell McCallum & Associates,  
Inc., by \_\_\_\_\_, 2022.

That the amount of time used by each party at the  
deposition is as follows:

1 Marlene Williams - (4 hours, 40 minutes)

2 Eddie Hodges, Jr. - (0 hours, 8 minutes)

3 That pursuant to information given to the  
4 deposition officer at the time said testimony was taken,  
5 the following includes all parties of record:

6 Eddie Hodges, Jr., Attorney for the Plaintiff

7 Marlene Williams, Attorney for the Defendant

8 I further certify that I am neither counsel for,  
9 related to, nor employed by any of the parties in the  
10 action in which this proceeding was taken, and further  
11 that I am not financially or otherwise interested in the  
12 outcome of the action.

13 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
14 2022.

15   
16 \_\_\_\_\_

17 Shawn Kelley, Texas CSR No. 3448  
18 Expiration Date: 1/31/24  
19 Nell McCallum & Associates  
20 Firm Registration No. 10095  
21 Expiration Date: 1/31/23  
22 718 Westcott  
23 Houston, Texas 77007  
24 (713) 861-0203  
25